



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

October 22, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON APPEAL OF PROJECT 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728
APPLICANT: 7-ELEVEN, INC.
NORWALK ZONED DISTRICT
(FOURTH SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

This item is an appeal by 7-Eleven, Inc., related to a specific condition approved as part of a Conditional Use Permit (CUP) to authorize the sale of beer and wine for off-site consumption at an existing 7-Eleven convenience store in conjunction with an existing gasoline station within the unincorporated community of South Whittier-Sunshine Acres at 13019 Imperial Highway. The property is zoned C-3-BE (General Commercial-Billboard Exclusion).

This project was first approved by the Los Angeles County (County) Hearing Officer on January 22, 2019, which included Condition of Approval No. 33 that restricted the sale of beer and wine at the site to the hours of 10:00 a.m. to 10:00 p.m. An appeal of the Hearing Officer's decision to include said condition in their approval of the CUP was filed by the applicant, 7-Eleven, Inc., on January 31, 2019. The Regional Planning Commission (Commission) held a de-novo public hearing on the project on May 1, 2019, and affirmed the Hearing Officer's decision to include the condition in the approval of the CUP and approved the CUP as it was approved by the Hearing Officer. An appeal of the Commission's decision was filed by the applicant on May 10, 2019.

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

2 SEPTEMBER 29, 2020

CELIA ZAVALA
EXECUTIVE OFFICER

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Indicate its intent to DETERMINE that the project is categorically exempt pursuant to Section 15301 of the State California Environmental Quality Act (CEQA) Guidelines, Class 1, Existing Facilities Categorical Exemption; and
2. Indicate its intent to DENY the appeal and instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of CUP No. RPPL2018000728, including Condition No. 33, limiting the sale of beer and wine at the subject site to the hours of 10:00 a.m. to 10:00 p.m. daily.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The subject property is zoned C-3-BE and has been designated as CG (General Commercial) by the Los Angeles County General Plan. It is currently developed with an existing 7-Eleven convenience store and gas station.

The existing gas station and convenience store are permitted uses at the site, but the accessory sale of beer and wine requires the approval of a CUP. The sale of beer and wine at the site was originally authorized with the approval of CUP 02-014 on January 22, 2003, which allowed the sale of beer and wine at the site from 7 a.m. to midnight daily. CUP 02-014 expired on November 13, 2017. The subject CUP Application (RPPL2018000728) was filed on February 7, 2018, requesting the continuation of the sale of beer and wine at the site. This request was conditionally granted by the Hearing Officer, and subsequently affirmed by the Commission, authorizing the continued sale of beer and wine at the site from 10:00 a.m. to 10:00 p.m. daily.

Records of the California Department of Alcoholic Beverages Control (ABC) indicate that the site is located within a High Crime Reporting District as defined and determined by ABC. Pursuant to County Code Section 22.140.030 and California Business and Professions Code Section 23958.4, the County needs to make a Finding of Public Convenience or Necessity before it approves a CUP for the sale of beer and wine at the site. The County made this Finding when approving CUP 02-014 in 2003. However, this CUP expired in 2017 and in the County's review of the application, it was determined that based on new knowledge and increased awareness of the County regarding the negative effects of alcohol sales for off-site consumption, particularly in convenience stores associated with gas stations, the Public Convenience or Necessity of allowing customers of the subject convenience store to purchase beer and wine together with their regular purchases could only be established for the hours of 10:00 a.m. to 10:00 p.m.

Several reference materials were incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017; these materials document the harmful effects of increased availability of alcohol in communities and support allowing beer and wine sales only between

10:00 a.m. and 10 p.m. Additional reference materials were incorporated into the public record for this case. A study conducted by the United States National Library of Medicine at the National Institutes of Health indicates that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms" (see Exhibit L1 of the Report to the Regional Planning Commission (Commission Report) dated April 18, 2019). Another study conducted in New Zealand found that drinkers purchasing alcohol at later times had higher odds of consuming six or more drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit L2 of the Commission Report). Consistent with these research findings, restricting the hours of sale of alcohol was one of the strategies recommended of the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention to reduce alcohol availability to young people (see Exhibit L3 of the Commission Report). Furthermore, based on research conducted by the market research firm NPD Group (see Exhibit L4 of the Commission Report), customers of convenience stores in gas stations are most likely to purchase alcoholic beverages during the evening commute, which they identified as 4:00 p.m. to 8:00 p.m. Staff believes these reference materials support the finding that the public convenience and necessity of selling beer and wine at the site can only be established for the hours of 10:00 a.m. to 10:00 p.m.

Implementation of Strategic Plan Goals

The approval of the CUP supports the Los Angeles County Strategic Plan, Goal II, Foster Vibrant and Resilient Communities. The existing gas station and convenience store is a substantial upgrade from the previous vacant state. The accessory sale of beer and wine for off-site consumption is an integral part of the business model of the subject gas station and convenience store. In addition, the sale of beer and wine also provides a convenience for customers to buy beer and wine products together with the other items that they buy at the store.

However, this convenience needs to be balanced with the potential adverse impacts that alcohol sales can have on a community. The imposition of a number of Conditions of Approval will ensure that there are no adverse effects from the project on the surrounding neighborhood. Examples of these conditions include the restriction of the sale of beer and wine at the site to the hours of 10:00 a.m. to 10:00 p.m. and the installation of security alarms and cameras both inside and outside the store facing the parking lot.

FISCAL IMPACT/FINANCING

The approval of the CUP should not result in any new significant costs to the County.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The project was first heard and approved by the Hearing Officer on January 22, 2019. On this date, the Hearing Officer heard a presentation from staff, which included a recommendation of approval of the CUP to authorize the continued sale of beer and wine at the site from 10:00 a.m. to 10:00 p.m. daily. Staff reported that as per a communication from the ABC, the site was located in a High Crime Reporting District as defined and determined by the ABC and that the required Finding of Public Convenience or Necessity could only be made for the hours of 10:00 a.m. to 10:00 p.m.

The applicant's representatives were present, as well as the franchisees for the subject store. The applicants indicated their acceptance of all the proposed Conditions of Approval of the CUP, except for the permitted hours of alcohol sales, and that their request was for 6:00 a.m. to 2:00 a.m., consistent with state law. In light of the County's new policy, the applicant requested a minimum of what was approved by the previous CUP, which is from 7:00 a.m. to midnight.

A number of other speakers were also present to testify in favor of the project.

After the public testimony, the Hearing Officer then closed the public hearing and approved the CUP, subject to staff's proposed conditions, including the 10:00 a.m. to 10:00 p.m. time period allowed for the sale of beer and wine at the site.

On January 31, 2019, an appeal was received from the applicant indicating that the condition restricting alcohol sales at the site was improper and must be deleted. In the appeal, the applicant indicated that there was no nexus between the Hearing Officer's factual findings and the new restriction on hours of alcohol sales.

The project was heard again in a de-novo hearing before the Commission on May 1, 2019. On this date, the Commission heard a presentation from staff and testimony from the applicant. Since there were no other speakers, the Commission then closed the public hearing, found that the project was categorically exempt from CEQA and approved the CUP, subject to the Conditions as Approved by the Hearing Officer

On May 10, 2019, an appeal of the Commission's decision was filed by the applicant.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning determined that the project qualified for a Categorical Exemption (Class 1 Exemption, Existing Facility) under CEQA and the County environmental guidelines since this project is for the sale of beer and wine for off-site consumption at an existing convenience store in conjunction with an existing gas station. No modifications are being proposed to the existing structures at the site.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the CUP is not anticipated to have a negative impact on current services.

For further information, please contact Carl Nadela at (213) 974-6435 or cnadela@planning.lacounty.gov.

Respectfully submitted,



AMY J. BODEK, AICP
Director of Regional Planning

AJB:MG:MM:CN:lm

Attachments:

Findings and Conditions
Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

May 2, 2019

7-Eleven, Inc.
c/o Solomon, Saltsman and Jamieson
Attention: Jennifer Oden
426 Culver Blvd
Playa del Rey, CA 90293

Dear Ms. Oden:

PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728
13019 IMPERIAL HIGHWAY, WHITTIER, CA 90605 (8026-038-017/18/19/20)

The Regional Planning Commission (Commission), by its action of **May 1, 2019**, has approved the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **May 15, 2019**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:

Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • TDD: 213-617-2292



@LACDRP | planning.lacounty.gov

Ms. Jennifer Oden
May 2, 2019
Page 2

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Carl Nadela of the Zoning Permits East Section at (213) 974-6435, or cnadela@planning.lacounty.gov

Sincerely,

Amy J. Bodek, AICP
Director



Maria Masis, Supervising Regional Planner
Zoning Permits East Section

MM:CN

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors
DPW (Building and Safety)
Zoning Enforcement

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on May 1, 2019, in the matter of Project No. 2018-000464-(4), Conditional Use Permit (CUP) No. RPPL2018000728 ("CUP").
2. **ENTITLEMENT(S) REQUESTED.** The permittee, 7-Eleven, Inc. ("permittee"), requests the CUP to authorize the continued sale of beer and wine for off-site consumption at an existing convenience store in conjunction with a gas station ("Project") on a property located at 13019 Imperial Highway in the unincorporated community of South Whittier-Sunshine Acres in the Norwalk Zoned District ("Project Site") in the C-3-BE (Unlimited Commercial, Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. **PREVIOUS ENTITLEMENT(S).** CUP No. 02-014 authorized the sale of beer and wine for off-site consumption at a new convenience store and gas station. This CUP was approved on November 13, 2002 and expired on November 13, 2017.
4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Los Angeles County General Plan ("General Plan") Land Use Policy Map.
5. **ZONING.** The Project Site is located in the Norwalk Zoned District and is currently zoned C-3-BE. Pursuant to County Code section 22.28.210, a CUP is required for sale of beer and wine for off-site consumption at the site.
6. **PROJECT AND SITE PLAN DESCRIPTION.**
 - A. Existing Site Conditions

The Project Site is 0.69 in size and consists of four legal lots. The Project Site is mostly rectangular in shape with a flat topography and is currently developed with a convenience store and gas station.
 - B. Site Access

The Project Site is accessible via Imperial Highway to the south and Shoemaker Avenue to the west. Primary access to the Project Site is via an entrance/exit on Imperial Highway. Secondary access to the Project Site is via an entrance/exit on Shoemaker Avenue.

C. Site Plan

The Site Plan indicates the entire Project Site, which is a mostly rectangular parcel with a flat topography located at the northeast corner of the intersection of Imperial Highway and Shoemaker Avenue. The site is developed with an existing gas station and convenience store. The convenience store is located on the northeast portion of the property while the gas pumps and canopy are located on the southwest portion. Twelve parking spaces are located around the convenience store. The Site Plan also shows two ingress and egress driveways along Imperial Highway on the south and Shoemaker Avenue on the west. The Site Plan also shows the landscaping installed at the site.

D. Parking

Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store.

7. PUBLIC COMMENTS.

Staff has not received any comments at the time of report preparation.

8. AGENCY RECOMMENDATIONS.

Los Angeles County Sheriff's Department, Norwalk Station: Recommended approval in a letter dated March 15, 2018.

9. CEQA DETERMINATION.

Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station, with negligible or no expansion of use beyond that which was previously existing

GENERAL PLAN CONSISTENCY FINDINGS

10. **LAND USE POLICY.** The Commission finds that the Project is consistent with the goals and policies of the General Plan because the CG is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single family and multi-family residences; and residential and commercial mixed uses, categories into which this Project falls. The Commission further finds that the Project promotes vibrant, livable and healthy communities with a mix of land uses, services and amenities and encourages a diversity of commercial and retail services,

and public facilities at various scales to meet regional and local needs while reducing and mitigating the impacts on the surrounding areas.

11. GOALS AND POLICIES CONSISTENCY FINDINGS.

The Commission finds that the Project is consistent with the Goals and Policies of the General Plan, including:

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

A variety of commercial uses have been established at the intersection of Imperial Highway and Shoemaker Avenue, which are both heavily travelled transportation corridors. The existing gas station and convenience store contributes to the mix of community-serving uses in the area, and is, thus, consistent with this General Plan goal and policy;

and

- *Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing gas station and convenience store have been at the site for 15 years and are consistent with the surrounding commercial and institutional uses. However, while most of the parcels surrounding the site have been developed with various commercial and industrial uses, the neighborhood towards the northeast is still predominantly single-family residential. It is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impact on the residential neighborhood. Conditions in the CUP ensure that the sale of beer and wine at the site remains an accessory to the primary use at the site, which is a gas station with a convenience store. Beer and wine display will be limited to only 5 percent of the total shelf space of the store. To ensure that alcohol is not sold at the site in the early mornings and late nights, the sale of alcohol at the site will be limited to the hours of 10:00 am to 10:00 pm only. With these conditions in place, the project is not expected to result in any adverse effects on the surrounding areas.

ZONING CODE CONSISTENCY FINDINGS

12. **PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the C-3 zoning classification as the sale of beer and wine for off-site consumption is permitted in such zone with a CUP pursuant to County Code section 22.28.210.
13. **LANDSCAPING.** The Commission finds that the Project is consistent with the standards identified in County Code section 22.28.220.A.
14. **PARKING.** The Commission finds that the Project is consistent with the standard identified in County Code section 22.28.220.B.
15. **OUTSIDE DISPLAY.** The Commission finds that the Project is consistent with the standard identified in County Code section 22.28.220.C.

CONDITIONAL USE PERMIT FINDINGS

16. **The Commission finds that the existing use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.** A number of reference materials have already been incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017, which document the harmful effects of increased availability of alcohol in communities. Aside from these, a study conducted by the US National Library of Medicine at the National Institutes of Health indicate that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms (see Exhibit L1). Another study conducted in New Zealand found that (alcohol) drinkers purchasing alcohol at later times had higher odds of consuming 6+ drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit L2). Consistent with these research findings, one of the recommendations of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice on how to reduce alcohol availability to young people was to restrict the hours of sale of alcohol (see Exhibit L3). The existing gas station and convenience store have been at the site for 15 years and are consistent with the surrounding commercial, industrial and institutional uses. The sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Beer and wine display at the site will be limited to only 5 percent of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on the surrounding areas.

17. **The Commission finds that the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project Site is 0.69 in size and mostly rectangular in shape. It is adequate to accommodate the required development standards. Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store. Approximately 13 percent of the total lot area is landscaped, which is in compliance with the required 10 percent for the site.
18. **The Commission finds that the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The Project Site has access to Imperial Highway and Shoemaker Avenue, both major roadways, and is adequately served by these.
19. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.

SUPPLEMENTAL FINDINGS

20. **The Commission finds that the requested use at the existing location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** There is only one sensitive use (Jehovah's Witness church) located within 600 feet of the Project Site. This is sufficiently buffered by a 6-foot concrete wall and landscaping. Also, the sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Beer and wine display at the site will be limited to only 5 percent of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on this sensitive use.
21. **The Commission finds that the requested use at the existing location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** There is a residential area to the northeast of the Project Site. This is also sufficiently buffered by a 6-foot block wall surrounding the subject parcel. The sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Beer and wine display at the site will be limited to only 5 percent of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on the surrounding residential areas.

22. **The Commission finds that the requested use at the existing location will not adversely affect the economic welfare of the nearby community.** The existing convenience store and gas station is compatible with the other commercial and industrial uses in the vicinity of the site and will be a positive contributor to the general economic activity in the area.
23. **The Commission finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.** The existing gas station and convenience store has been at the site for 15 years and is consistent with the surrounding commercial, industrial and institutional uses. The exterior of the building is well maintained and is compatible with the general character of the area. No changes are being proposed to the exterior of the existing structure.
24. **The Commission finds that even though the existing sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is existing within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** There are no other establishments selling alcohol within a 500-foot radius of the site and there is no over concentration of alcohol sales in the census tract as determined by California Department of Alcoholic Beverage Control ("ABC"). However, the site is located within a High Crime Reporting District, as determined by ABC. In consideration of the fact that the establishment has been selling beer and wine at the site for over 15 years and that their customers are used to purchasing beer and wine there, and in light of the restrictions that are being imposed by the CUP, the public convenience of allowing the customers of the convenience store to continue purchasing beer and wine together with their other purchases at the site may be considered to allow the continued sale of beer and wine at the site. However, based on research conducted by the market research firm, NPD Group (See Exhibit L4), customers of convenience stores in gas stations are most likely to purchase alcoholic beverages during the evening commute, which they identified as 4 to 8 p.m. Also, there are a number of other options within two miles of the Project Site that a member of the public can choose from when needing to make a beer and wine purchase outside of the identified peak hours. These include two Walmart stores, two Target stores, a Food for Less grocery and a Superior Grocers store. Because of these, staff believes that the public convenience and necessity of selling beer and wine at the site can only be established for the hours of 10:00 am to 10:00 pm, which will also allow for other possible reasons for purchasing beer and wine at the site.

ENVIRONMENTAL FINDINGS

25. The Commission finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project is for the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station. No changes are being proposed to the existing structure at the site.

ADMINISTRATIVE FINDINGS

26. **HEARING PROCEEDINGS.** The Project was first heard and approved by the HO on January 22, 2019. On this date, the HO heard a presentation from staff, which included a recommendation of approval of the CUP to authorize the continued sale of beer and wine at the site from 10:00 am to 10:00 pm daily. Staff reported that as per a communication from the ABC, the site was located in a High Crime Reporting District as defined and determined by the ABC and that because of this, a Finding of Public Convenience and Necessity was required before the CUP could be approved.

Staff indicated that the existing convenience store at the site has been selling beer and wine at the site for over fifteen years and their regular customers would be used to being able to purchase beer and wine at the site, together with their other purchases. Staff then stated that for this reason and considering the additional restrictions that are being imposed by the CUP, the continued sale of beer and wine at the site does serve a public convenience.

Staff also discussed more specifically the issue of the proposed condition limiting the hours of beer and wine sales at the site to 10:00 am to 10:00 pm, indicating that this was in line with a standard policy that DRP had implemented for beer and wine sales for off-site consumption, particularly for convenience stores in gas stations. Staff also indicated that this was different from the hours permitted by the previous CUP 02-014 that was approved on November 13, 2002, which allowed the sale of beer and wine at the site from 7:00 am to midnight.

Staff explained that CUP 02-014 expired on November 13, 2017 and that the sale of beer and wine at the site are now subject to the regulations that are currently in effect. Staff made a reference to County Code Section 22.52.3650.A, which provided that the Commission or Hearing Officer may impose additional conditions on the CUP including limitations on the days of the week and times of day during which alcoholic beverages may be sold. Staff explained that there were a number of factors that informed and influenced staff's approach and recommendation for the project. These included:

- Recent substantive discussions at the Commission and the Board of Supervisors ("Board") specifically regarding alcohol sales for off-site consumption at convenience stores located in gas stations;

- Recent adoption of the Safe Access to Alcohol and Food Establishments ("SAAFE") Ordinance in 2017, which contains stricter regulations within the unincorporated areas of the County; and
- Proceedings and eventual outcomes of recent similar cases.

The applicant's representatives ("applicant") were present, as well as the franchisees for the subject store. The applicant indicated their acceptance of all the proposed conditions of approval of the CUP, except for the permitted hours of alcohol sales, and that their request was for 6:00 am to 2:00 am, consistent with state law. In light of the County's new policy, the applicant requested a minimum of what was approved by the previous CUP, which is from 7:00 am to midnight.

The applicant made a number of arguments for the request, which included:

- The new policy is misguided from a practical and fairness standpoint, particularly as it was being applied to the subject site;
- The store has been open and operating at the site since 2002 and there has been no record of any objection to the continued sale of beer and wine at the hours permitted by the previous CUP;
- The recommended hours are in effect punishing a good operator and a family business;
- The new policy is misguided from a legal standpoint;
- There is a vested and existing property right with respect to the sale of beer and wine at the site from 7:00 am to midnight;
- Under the State constitution, the ABC has the exclusive power for regulating the hours of sale of alcohol and has not done so with this case; and
- There is no nexus for the conditions being imposed in terms of the restriction of the hours of alcohol sale.

The applicant also mentioned that there is a number of safeguards in the CUP with respect to the sale of beer and wine, such as no single beers less than 16 ounces allowed, no wine in containers less than 750 milliliters, shelf space for beer and wine limited to 5 percent and is currently 2.1 percent at the store, L.E.A.D. (Licensee Education for Alcohol and Drugs) training required, no exterior advertising of alcohol, coolers are locked when alcohol is not sold, security cameras, no display of alcohol within five feet of the register and the sale of a variety of fresh produce and whole grain items.

The applicant also indicated that the case where the new policy may have originated was for a new applicant, while this request was for a continuation of an existing use. She also stated that she had represented a similar 7-Eleven in the unincorporated area of Whittier in the beginning of May 2018 that was able to move forward with the 6:00 a.m. to 2:00 a.m. hours for alcohol sale.

The franchisee also presented testimony about how their customers expect the current hours of alcohol sales and that any reduction in these hours will affect their

sales and bottom line. He indicated that they should not be considered as a big, corporate 7-Eleven brand, but individual owners who make their living out of the business. He also reiterated that they have not had any violation in the last 15 years and that they have trained their staff diligently to remain as such. He also stated his request to keep their current hours of alcohol sales or be granted the hours in line with State law, which is from 6:00 a.m. to 2:00 a.m.

A representative from 7-Eleven Corporate was also present and testified that she has worked with the franchisee for six years, but that the business has been in operation since 2005. She indicated that the owners/operators are very diligent in ensuring safety at the site for both their customers and employees. Closed-circuit video cameras are located inside as well as at the exterior perimeter of the store and that they work closely with the Sheriff's and police station in the area. She stated that this location is a commuter store and that they have first, second and third shift employees. Their primary business is making sure that food is available, but customers also look for the convenience factor of picking up beer on their way home or on the weekends. She concluded that the reduction in hours of alcohol sales would definitely impact the business.

Another 7-Eleven franchisee was also present and testified in support of the applicant. He reiterated that this is a small business and is somebody's livelihood and that any restriction affects the bottom line. He also stated that it affects their ability to cater to their customers since they may be looking to buy food and water, as well as alcohol, and if alcohol is not available at that time, they will just stop somewhere else. He indicated that while alcohol sale is a small percentage of the business, it takes away from the whole of the business because they are not able to provide that convenience factor to the customer.

A member of the public was also present and testified that he works in the area, sometimes in the graveyard or morning shifts. He indicated that people come right after the 7:00 am shift to pick up food and beer after getting off from work and that it would be inconvenient to change this since they've already been used to it for years.

After the public testimony, the HO indicated that the previous CUP expired on November 13, 2017 and when a new CUP is applied for, it is contingent on the conditions and requirements at that time. The HO stated that a CUP is not renewed when it expires, but a new one is applied for. He also indicated that the County is concerned and wants to ensure safe and healthy communities throughout the area, which includes convenience stores and the products they have, including fresh food, and the convenience they provide. The HO indicated that this CUP has been structured to provide what is necessary for the community, but also to ensure a safe community. He stated that this is a new direction that the County has moved towards in the last couple of years and now that this new application has been submitted, all these things have to be taken into account. He indicated that in reviewing all the materials and recent previous cases, he finds that the 10:00 a.m. to 10:00 p.m. period, which allows for 12 hours where alcohol can be purchased at the site, is sufficient.

The HO then closed the public hearing and approved the CUP, subject to staff's proposed conditions, including the 10:00 a.m. to 10:00 p.m. time period allowed for the sale for beer and wine at the site.

On January 31, 2019, an appeal was received from the applicant indicating that the condition restricting alcohol sales at the site was improper and must be deleted. In the appeal, the applicant indicated that there was no nexus between the HO's factual findings and the new restriction on hours of alcohol sales. The applicant also indicated that this condition was part of an impermissible policy that unfairly and solely targets convenience stores with concurrent gas sales with no justification and that this policy is pre-empted by California State law as the California Constitution grants the ABC the exclusive right to regulate the sale of alcohol (highlight provided by the applicant). Please see also Exhibit K for details.

The Project was heard again before the Commission on May 1, 2019. The Commission heard a presentation from staff and testimony from the applicant. The Commission expressed a recognition that the establishment was being run well, and that because of this, they felt comfortable approving the CUP. However, the recommended hours of 10:00 am to 10:00 pm was meant to address a public health issue and that they were inclined to support staff's recommendation. Since there were no other speakers, the Commission then closed the public hearing, found that the Project was categorically exempt from CEQA and approved the CUP, subject to the attached conditions as originally approved by the HO.

27. LEGAL NOTIFICATION. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, and newspaper (La Opinion and Whittier Daily News). Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Norwalk Library. On 3/21/2019, a total of 42 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Norwalk Zoned District and to any additional interested parties.

28. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The existing use with the attached conditions will be consistent with the adopted General Plan.
- B. The existing use with the attached conditions at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The existing use with the attached conditions at the site will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The existing use with the attached conditions at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. With the imposition of a number of conditions, the public convenience for the store selling alcoholic beverages for off-site consumption outweighs the fact that it is located in a High Crime Reporting District as determined by ABC.
- H. The existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities) categorical exemption); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2018000728**, subject to the attached conditions.

ACTION DATE: May 1, 2019

MM:CN

1/14/19

c: Regional Planning Commission, Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728**

PROJECT DESCRIPTION

The project is a conditional use permit to authorize the continued sale of beer and wine for off-site consumption at an existing convenience market in conjunction with an existing gasoline station, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 1, 2034.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30)-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these

conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works (DPW) to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control. All litter and trash shall be collected regularly from the premises and the adjoining right-of-way.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required because of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee. All lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours.
21. All lighting shall be designed to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. No light shall illuminate adjacent private residences. Neon lighting shall be prohibited.
22. Beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
23. There shall be no wine, except for wine coolers, sold in containers of less than 750 milliliters. Wine coolers shall not be sold in less than four-pack quantities.
24. No miniatures of any type may be sold.
25. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled

Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises. The total shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the convenience store.

26. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises. The permittee shall instruct all employees regarding these restrictions. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
28. The permittee, and all managers and designated employees of the establishment who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control or an equivalent program such as SafeServe. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
29. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
30. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
31. The licensed premises shall have no amusement rides or games or other similar activities, whether coin-operated or not, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines.

PROJECT SITE-SPECIFIC CONDITIONS

32. This grant shall authorize the sale of beer and wine for off-site consumption at an existing convenience store in conjunction with an existing gasoline station.
33. This grant authorizes the sale of beer and wine from 10:00 a.m. to 10:00 p.m. daily.
34. Beer and wine items shall be stored in lockable coolers, which shall be kept locked except for the hours when alcohol sales are approved by this CUP.

35. Security cameras shall be installed inside the convenience store and outside facing the parking lot. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request.
36. Security alarms shall be installed inside the store.
37. There shall be no outdoor sales, storage, or displays of merchandise except for that directly related to automobile accessories and facilities necessary for dispensing petroleum products.
38. No sexually explicit reading material shall be on display or sold on the premises.
39. No beer or wine advertisements shall be displayed at any location on the subject property, including at motor fuel islands and on the exterior walls or windows of the convenience store.
40. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
41. Wall signs and graphic displays must be confined to the façade surface of the building and the pump island canopy, and should not project above the roofline or disrupt the architectural design of the building; such signage shall conform to the requirements of the Los Angeles County Code.
42. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
43. Outdoor advertising signs (billboards) are prohibited.
44. Outside storage of trash shall be within an approved trash enclosure.
45. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
46. No sales to any person appearing to be or actually being intoxicated shall be allowed.
47. Deliveries shall be limited to non-peak hours, generally between 9.a.m. and 6 p.m.
48. All commercial vehicle delivery trucks must use commercial streets and/or designated truck routes for deliveries.
49. A numbering address sign shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Department of Regional Planning.

50. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
51. No alcoholic beverages shall be displayed within five feet of the cash register or the front door.
52. The permittee shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:
 - a. Within ten (10) feet of the front door;
 - b. Within five feet of a cash register;
 - c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
 - d. On an end cap of an aisle; or
 - e. Within a display area dedicated to produce that is easily accessible to customers.



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	April 18, 2019	
HEARING DATE:	May 1, 2019	AGENDA ITEM: 7
PROJECT NUMBER:	2018-000464-(4)	
PERMIT NUMBER(S):	Conditional Use Permit RPPL2018000728	
SUPERVISORIAL DISTRICT:	4	
PROJECT LOCATION:	13019 Imperial Highway, South Whittier-Sunshine Acres	
OWNER:	Imperial Investors LLC	
APPLICANT:	7-Eleven, Inc.	
CASE PLANNER:	Carl Nadela, AICP cnadela@planning.lacounty.gov	

RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

The Department of Regional Planning ("DRP") staff ("Staff") recommends **APPROVAL** of Project Number 2018-000464-(4), Conditional Use Permit Number ("CUP") RPPL2018000728, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motion:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, DENY THE APPEAL AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2018000728 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS, AS PREVIOUSLY APPROVED BY THE LOS ANGELES COUNTY HEARING OFFICER.

PROJECT DESCRIPTION

A. Entitlement(s) Requested

CUP for the continued sale of beer and wine for off-site consumption at an existing 7-Eleven convenience store in conjunction with a gas station in the C-3-BE (General Commercial-Billboard Exclusion) Zone pursuant to County Code Section 22.28.210.

B. Project

The Project is the continued sale of beer and wine at an existing convenience store in conjunction with a gas station. In accordance with new standard Draft Conditions of Approval for these types of uses, staff is recommending that the hours permitted for alcohol sales be 10:00 am to 10:00 pm. Previous CUP 02-014 allowed alcohol sales at the site from 7:00 am to midnight. The applicant has appealed the Hearing Officer's ("HO") decision to limit the sale of beer and wine at the site to the hours of 10:00 am to 10:00 pm.

C. Project Background

The Project was first heard and approved by the HO on January 22, 2019. On this date, the HO heard a presentation from staff, which included a recommendation of approval of the CUP to authorize the continued sale of beer and wine at the site from 10:00 am to 10:00 pm daily. Staff reported that as per a communication from the California Department of Alcoholic Beverage Control ("ABC"), the site was located in a High Crime Reporting District as defined and determined by the ABC and that because of this, a Finding of Public Convenience and Necessity was required before the CUP could be approved.

Staff indicated that the existing convenience store at the site has been selling beer and wine at the site for over fifteen years and their regular customers would be used to being able to purchase beer and wine at the site, together with their other purchases. Staff then stated that for this reason and considering the additional restrictions that are being imposed by the CUP, the continued sale of beer and wine at the site does serve a public convenience.

Staff also discussed more specifically the issue of the proposed condition limiting the hours of beer and wine sales at the site to 10:00 am to 10:00 pm, indicating that this was in line with a standard policy that DRP had implemented for beer and wine sales for off-site consumption, particularly for convenience stores in gas stations. Staff also indicated that this was different from the hours permitted by the previous CUP 02-014 that was approved on November 13, 2002, which allowed the sale of beer and wine at the site from 7:00 am to midnight.

Staff explained that CUP 02-014 expired on November 13, 2017 and that the sale of beer and wine at the site are now subject to the regulations that are currently in effect. Staff made a reference to County Code Section 22.52.3650.A, which provided that the Commission or Hearing Officer may impose additional conditions on the CUP including limitations on the days of the week and times of day during which alcoholic beverages may be sold. Staff explained that there were a number of factors that informed and influenced staff's approach and recommendation for the project. These include:

- Recent substantive discussions at the Regional Planning Commission ("Commission") and the Board of Supervisors ("Board") specifically regarding alcohol sales for off-site consumption at convenience stores located in gas stations;
- Recent adoption of the Safe Access to Alcohol and Food Establishments ("SAAFE") Ordinance in 2017, which contains stricter regulations within the unincorporated areas of the County; and
- Proceedings and eventual outcomes of recent similar cases.

The applicant's representatives ("applicant") were present, as well as the franchisees for the subject store. The applicant indicated their acceptance of all the proposed conditions of approval of the CUP, except for the permitted hours of alcohol sales, and that their request was for 6:00 am to 2:00 am, consistent with state law. In light of the County's new policy, the applicant requested a minimum of what was approved by the previous CUP, which is from 7:00 am to midnight.

The applicant made a number of arguments for the request, which included:

- The new policy is misguided from a practical and fairness standpoint, particularly as it was being applied to the subject site;
- The store has been open and operating at the site since 2002 and there has been no record of any objection to the continued sale of beer and wine at the hours permitted by the previous CUP;
- The recommended hours are in effect punishing a good operator and a family business;
- The new policy is misguided from a legal standpoint;
- There is a vested and existing property right with respect to the sale of beer and wine at the site from 7:00 am to midnight;
- Under the State constitution, the ABC has the exclusive power for regulating the hours of sale of alcohol and has not done so with this case; and
- There is no nexus for the conditions being imposed in terms of the restriction of the hours of alcohol sale.

The applicant also mentioned that there is a number of safeguards in the CUP with respect to the sale of beer and wine, such as no single beers less than 16 ounces allowed, no wine in containers less than 750 milliliters, shelf space for beer and wine limited to 5 percent and is currently 2.1 percent at the store, L.E.A.D. (Licensee Education for Alcohol

and Drugs) training required, no exterior advertising of alcohol, coolers are locked when alcohol is not sold, security cameras, no display of alcohol within five feet of the register and the sale of a variety of fresh produce and whole grain items.

The applicant also indicated that the case where the new policy may have originated was for a new applicant, while this request was for a continuation of an existing use. She also stated that she had represented a similar 7-Eleven in the unincorporated area of Whittier in the beginning of May 2018 that was able to move forward with the 6:00 a.m. to 2:00 a.m. hours for alcohol sale.

The franchisee also presented testimony about how their customers expect the current hours of alcohol sales and that any reduction in these hours will affect their sales and bottom line. He indicated that they should not be considered as a big, corporate 7-Eleven brand, but individual owners who make their living out of the business. He also reiterated that they have not had any violation in the last 15 years and that they have trained their staff diligently to remain as such. He also stated his request to keep their current hours or be granted the hours of alcohol sales in line with State law, which is from 6:00 a.m. to 2:00 a.m.

A representative from 7-Eleven Corporate was also present and testified that she has worked with the franchisee for six years, but that the business has been in operation since 2005. She indicated that the owners/operators are very diligent in ensuring safety at the site for both their customers and employees. Closed-circuit video cameras are located inside as well as at the exterior perimeter of the store and that they work closely with the Sheriff's and police station in the area. She stated that this location is a commuter store and that they have first, second and third shift employees. Their primary business is making sure that food is available, but customers also look for the convenience factor of picking up beer on their way home or on the weekends. She concluded that the reduction in hours of alcohol sales would definitely impact the business.

Another 7-Eleven franchisee was also present and testified in support of the applicant. He reiterated that this is a small business and is somebody's livelihood and that any restriction affects the bottom line. He also stated that it affects their ability to cater to their customers since they may be looking to buy food and water, as well as alcohol, and if alcohol is not available at that time, they will just stop somewhere else. He indicated that while alcohol sale is a small percentage of the business, it takes away from the whole of the business because they are not able to provide that convenience factor to the customer.

A member of the public was also present and testified that he works in the area, sometimes in the graveyard or morning shift. He indicated that people come right after the 7:00 am shift to pick up food and beer after getting off from work and that it would be inconvenient to change this since they've already been used to it for years.

After the public testimony, the HO indicated that the previous CUP expired on November 13, 2017 and when a new CUP is applied for, it is contingent on the conditions and

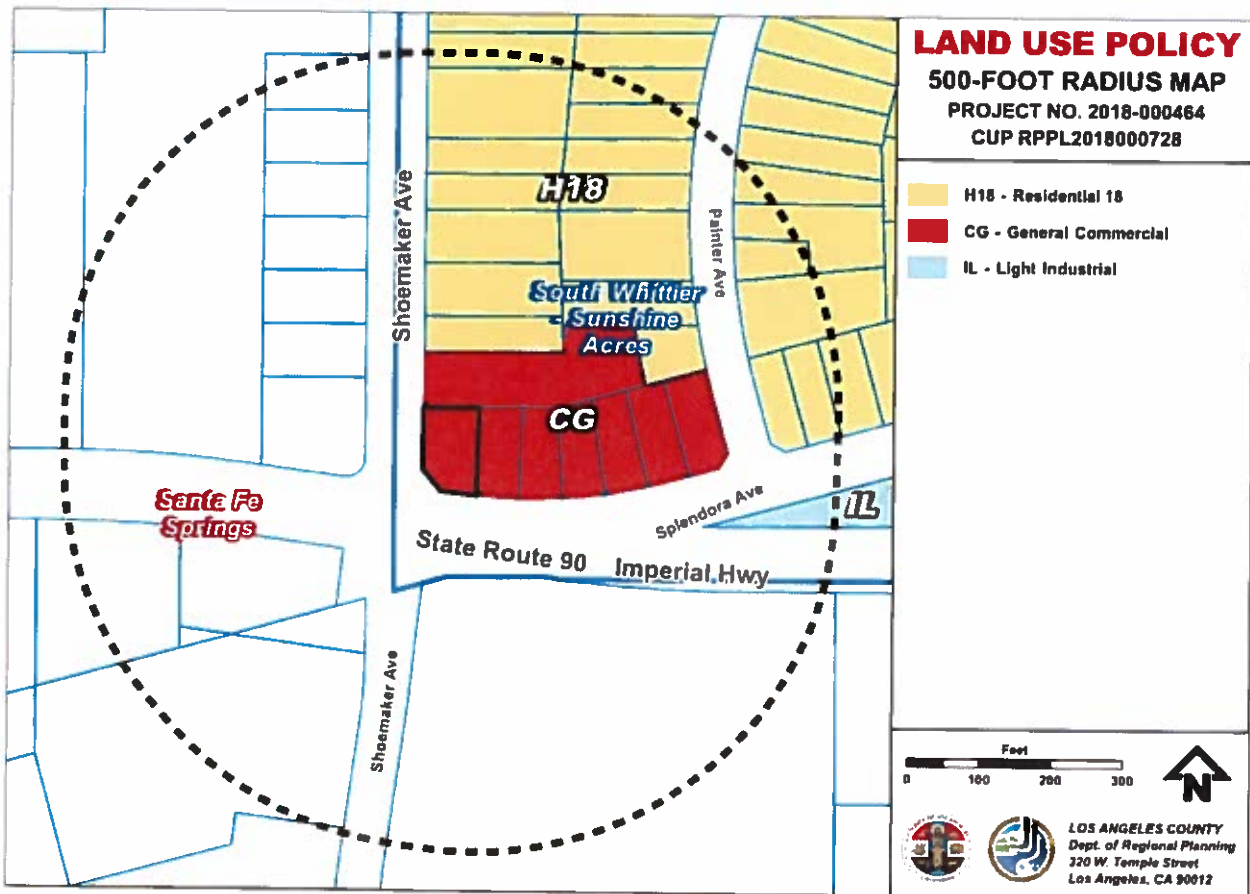
requirements at that time. The HO stated that a CUP is not renewed when it expires, but a new one is applied for. He also indicated that the County is concerned and wants to ensure safe and healthy communities throughout the area, which includes convenience stores and the products they have, including fresh food, and the convenience they provide. The HO indicated that this CUP has been structured to provide what is necessary for the community, but also to ensure a safe community. He stated that this is a new direction that the County has moved towards in the last couple of years and now that this new application has been submitted, all these things have to be taken into account. He indicated that in reviewing all the materials and recent previous cases, he finds that the 10:00 a.m. to 10:00 p.m. period, which allows for 12 hours where alcohol can be purchases at the site, is sufficient. The HO then closed the public hearing and approved the CUP, subject to staff's proposed conditions, including the 10:00 a.m. to 10:00 p.m. time period allowed for the sale for beer and wine at the site.

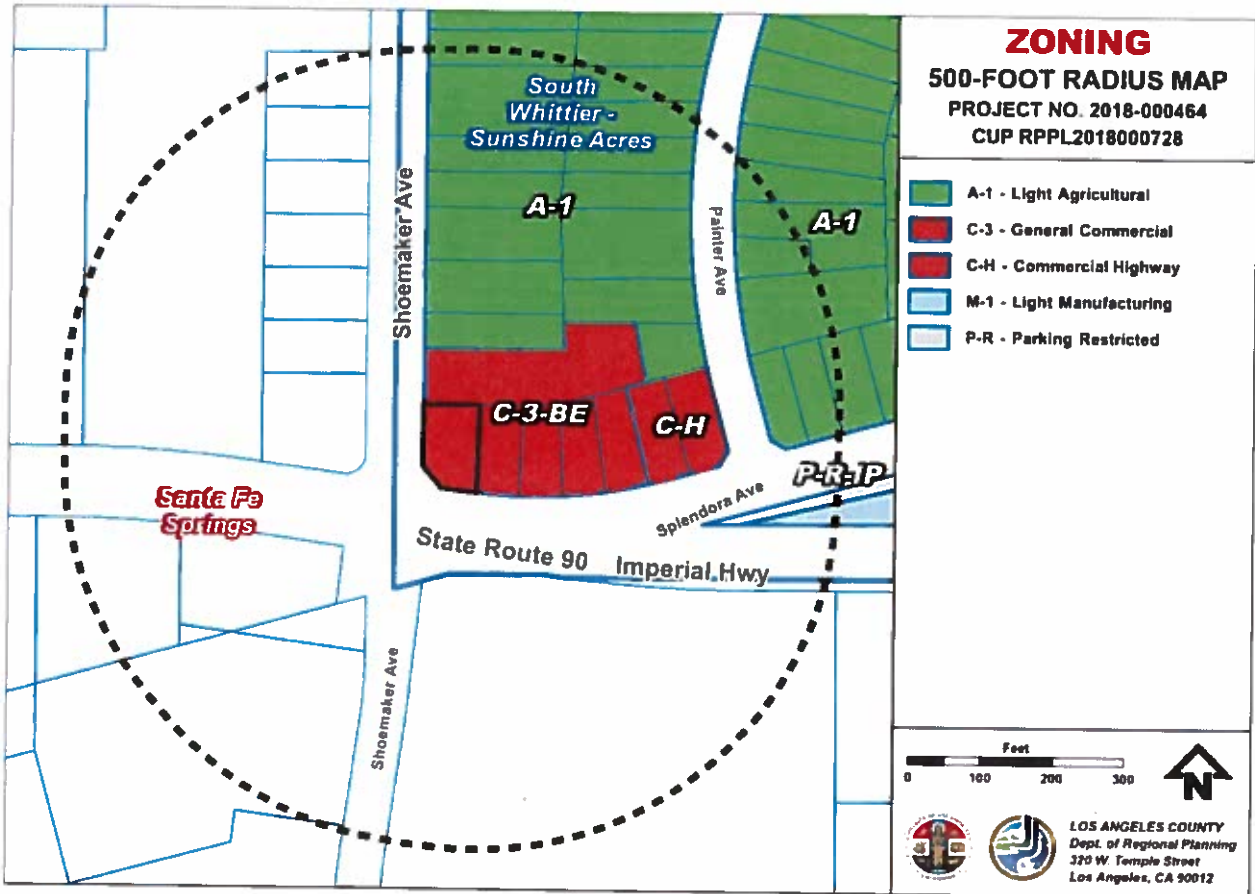
On January 31, 2019, an appeal was received from the applicant indicating that the condition restricting alcohol sales at the site was improper and must be deleted. In the appeal, the applicant indicated that there was no nexus between the HO's factual findings and the new restriction on hours of alcohol sales. The applicant also indicated that this condition was part of an impermissible policy that unfairly and solely targets convenience stores with concurrent gas sales with no justification and that this policy is pre-empted by California State law as the California Constitution grants the ABC the **exclusive** right to regulate the sale of alcohol (highlight provided by the applicant). Please see also Exhibit K for details.

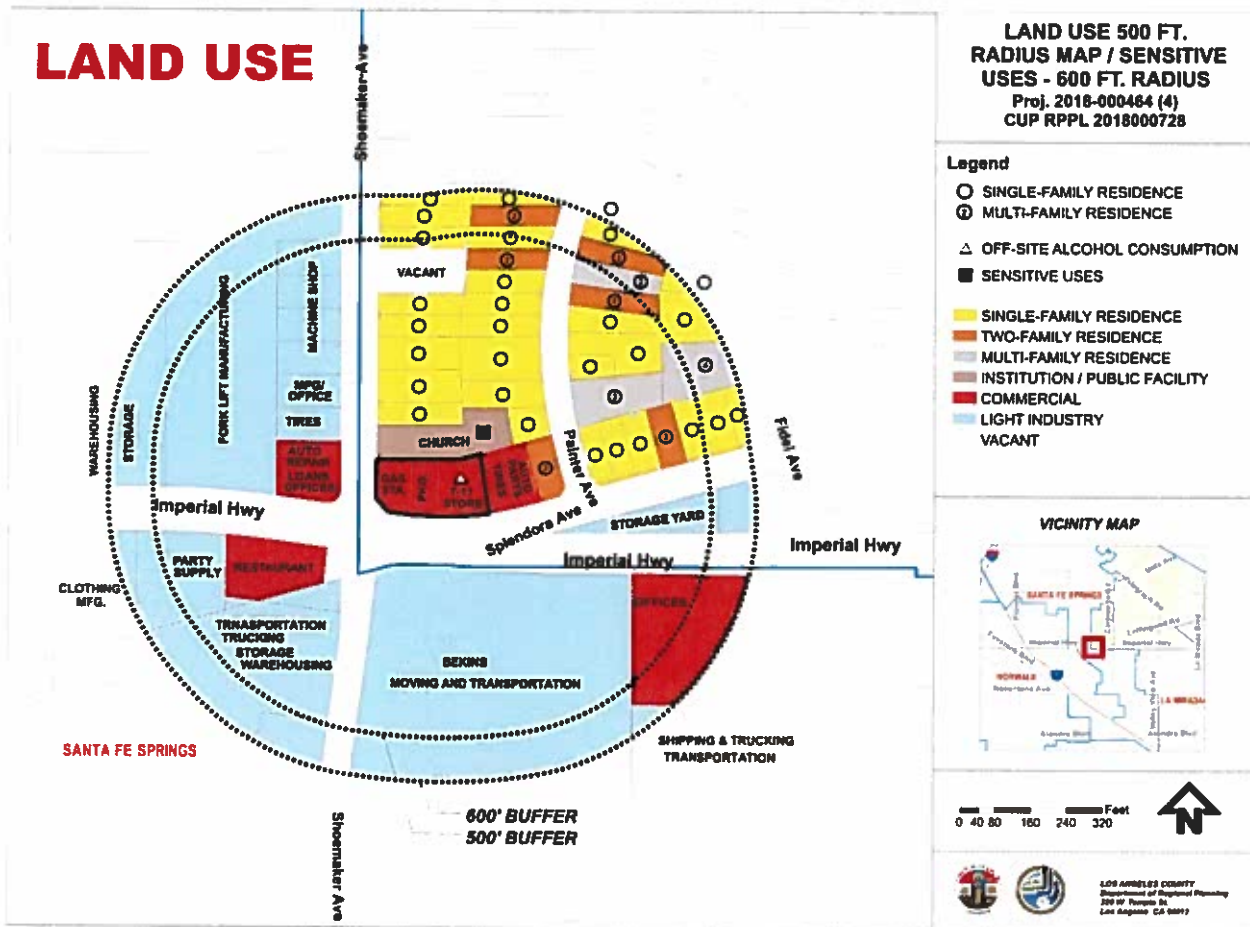
SUBJECT PROPERTY AND SURROUNDINGS

The following chart provides property data within a 500-foot radius:

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
SUBJECT PROPERTY	CG	C-3-BE	Convenience store at a gas station
NORTH	H18	A-1	Church, Single-family residences
EAST	CG, H18	C-3-BE, C-H, A-1	Auto-parts, tire sales, single and two-family residences
SOUTH	City of Santa Fe Springs		Trucking and industrial storage
WEST	City of Santa Fe Springs		Auto-repair, various industrial, storage and office uses







PROPERTY HISTORY

A. Zoning History

ORDINANCE NO.	ZONING	DATE OF ADOPTION
3248	C-2	11/29/1938
5117	C-3	5/11/1948
6036	C-3	8/12/1952
840071z	C-3-BE	5/8/1984

B. Previous Cases

CASE NO.	REQUEST	DATE OF ACTION
CUP 02-014	Sale of beer and wine for off-site consumption at a new convenience store and gas station	11/13/2002

C. Violations

None

ANALYSIS

A. Land Use Compatibility

The project site is located within the CG (General Commercial) land use category of the Los Angeles Countywide General Plan ("General Plan"). This designation is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single family and multi-family residences; and residential and commercial mixed uses. The existing gas station and convenience store is consistent with this designation as it serves local residents who need to purchase fuel at the gas station and/or some small items at the convenience store. The following General Plan Goals and Policies apply to the Project as well.

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

A variety of commercial, industrial and office uses have been established at the intersection of Imperial Highway and Shoemaker Avenue, which are both heavily travelled transportation corridors. The existing gas station and convenience store contributes to the variety and diversity of community-serving uses in the area.

- *Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing gas station and convenience store has been at the site for 15 years and is consistent with the surrounding commercial, industrial and institutional uses. While most of the parcels surrounding the site have been developed with various commercial and industrial uses, the neighborhood towards the northeast is still predominantly single-family residential. It is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impact on the residential neighborhood. To address this, conditions have been added to the CUP to ensure that the sale of beer and wine at the site remains an accessory to the primary use at the site, which is a gas station with a convenience store. Beer and wine display will be limited to only 5 percent of the total shelf space of the store. Also, to ensure that alcohol is not sold at the site in the early mornings and late nights, staff is proposing to limit the sale of alcohol at the site to the hours of 10:00 am to 10:00 pm only.

A number of reference materials have already been incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017, which document the harmful effects of increased availability of alcohol in communities. Aside from these, a study conducted by the US National Library of Medicine at the National Institutes of Health indicate that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms (see Exhibit L1). Another study conducted in New Zealand found that (alcohol) drinkers purchasing alcohol at later times had higher odds of consuming 6+ drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit L2). Consistent with these research findings, one of the recommendations of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice on how to reduce alcohol availability to young people was to restrict the hours of sale of alcohol (see Exhibit L3).

With a number of conditions in place, including a limit of 5 percent of total shelf space for beer and wine display and a restriction on the sale of beer and wine to the hours of 10:00 am to 10:00 pm, the project is not expected to result in any adverse effects on the surrounding areas.

B. Neighborhood Impact (Need/Convenience Assessment)

The proposed project is for the sale of beer and wine at a convenience store and gas station. Surrounding land uses consist primarily of commercial, industrial and office uses to the west, east and south. A church is located immediately to the north of the site and a residential neighborhood further to the northeast that is predominantly developed with single-family residences. The existing gas station and convenience store is compatible with the general character of the area. There is a need to limit the sale of beer and wine at the site to ensure that it remains an accessory to the primary use of a gas station with a convenience store. As mentioned above, conditions have been added to the CUP to address this.

There are no other establishments selling alcohol within a 500-foot radius of the Project Site. Furthermore, as determined by ABC, there are three existing alcohol licenses for off-site sales in the Census Tract (CT) where the Project Site is located (CT 5030), which is within the three allowed for that particular census tract. ABC also determined that the site is located within a High Crime Reporting District (CRD 0394). Because of this, pursuant to County Code Section 22.140.030, a Finding of Public Convenience or Necessity is required before the CUP can be approved.

The establishment has been selling beer and wine at the site for over 15 years and its customers are accustomed to purchasing beer and wine as part of their other purchases at the establishment. In light of the operational restrictions that are being imposed by the CUP, the public convenience of enabling the customers of the convenience store to continue purchasing beer and wine together with their other purchases at the site may be

considered to allow the continued sale of beer and wine at the site. However, based on research conducted by the market research firm, NPD Group (See Exhibit L4), customers of convenience stores in gas stations are most likely to purchase alcoholic beverages during the evening commute, which they identified as 4 to 8 p.m. Also, there are a number of other options within two miles of the Project Site that a member of the public can choose from when needing to make a beer and wine purchase outside of the identified peak hours. These include two Walmart stores, two Target stores, a Food for Less grocery and a Superior Grocers store. Because of these, staff believes that the public convenience and necessity of selling beer and wine at the site can only be established for the hours of 10:00 am to 10:00 pm, which will also allow for other possible reasons for purchasing beer and wine at the site.

C. Design Compatibility

Pursuant to Section 22.28.220 of the County Code, the project site is subject to the C-3 development standards, including parking and landscaping requirements. Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store. Approximately 13 percent of the total lot area is landscaped, which is in compliance with the required 10 percent for the site.

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

The Project is consistent with applicable goals and policies of the General Plan. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

ZONING ORDINANCE CONSISTENCY

The proposed project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by sections 22.158.050 and 22.140.030 of the County Code. The Burden of Proof with applicant's responses is attached (Exhibit E – Applicant's Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

ENVIRONMENTAL ANALYSIS

Staff recommends that this project qualifies for a Categorical Exemption (Class 1, Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project is for the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at a gas station. No changes are being proposed to the existing structure at the site. An environmental determination (Exhibit F – Environmental Determination) was issued for the project.

COMMENTS RECEIVED

A. County Department Comments and Recommendations

The Sheriff's Department, Norwalk Station, in a letter dated 3/15/2018, recommended approval of the Project.

B. Other Agency Comments and Recommendations

The ABC, in a communication dated 9/24/2018, indicated that three alcohol licenses for off-site sale are allowed in the census tract where the site is located (CT 5030), and three such licenses are currently existing. ABC also indicated that the site is in a High Crime Reporting District.

C. Public Comments

Staff has not received any comments at the time of report preparation.

Report

Reviewed By:


Maria Masis, AICP, Supervising Regional Planner

Report

Approved By:


Mitch Glaser, AICP, Assistant Administrator

LIST OF ATTACHED EXHIBITS

EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Findings
EXHIBIT D	Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	Environmental Determination
EXHIBIT G	Informational Maps
EXHIBIT H	Photos
EXHIBIT I	Agency Correspondence
EXHIBIT J	Previous Findings and Conditions (CUP 02-014)
EXHIBIT K	Appeal of Hearing Officer's Decision
EXHIBIT L	References

1. "Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms". US National Library of Medicine National Institutes of Health. 2010.
<https://www.ncbi.nlm.nih.gov/pubmed/21084080>
2. "International alcohol control study: pricing data and hours of purchase predict heavier drinking". US National Library of Medicine National Institutes of Health.
<https://www.ncbi.nlm.nih.gov/pubmed/24588859>
3. How To Use Local and Land Use Powers to Prevent Underage Drinking". Pacific Institute for Research and Evaluation, August 2013
(<https://resources.prev.org/documents/LocalRegulLandUse.pdf>)
4. "Peak Visit Times at Convenience Stores Vary Depending on Level of Consumer Usage; Super Users Visit Most During Morning and Evening Commute". NPD Group. 2011
(https://www.npd.com/wps/portal/npd/us/news/press-releases/pr_110322/)

EXHIBIT A

Site Plans

EXHIBIT B

Project Summary Sheet



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER **HEARING DATE**
2018-000464-(4) 5/1/2019
REQUESTED ENTITLEMENTS
CUP RPPL2018000728

PROJECT SUMMARY

OWNER / APPLICANT

7-Eleven, Inc.

MAP/EXHIBIT DATE

3/1/2012

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the continued sale of beer and wine for off-site consumption at an existing 7-Eleven convenience store in conjunction with a gas station.

LOCATION

13019 Imperial Highway, Whittier, CA 90605

ACCESS

Imperial Highway and Shoemaker Avenue

ASSESSORS PARCEL NUMBER(S)

8026-038-017 / 018 / 019 / 020

SITE AREA

0.69 ac

GENERAL PLAN / LOCAL PLAN

Los Angeles County General Plan

ZONED DISTRICT

Norwalk

LAND USE DESIGNATION

CG (General Commercial)

ZONE

C-3-BE (General Commercial-Billboard Exclusion)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

30 DU/AC

COMMUNITY STANDARDS DISTRICT

None

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan and Hacienda Heights Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Zoning Code:
 - 22.158.050 (Conditional Use Permit Required Findings)
 - 22.140.030 (Alcoholic Beverage Sales Required Findings)
 - 22.20.040 (C-3 Development Standards)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

Carl Nadela

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

cnadela@planning.lacounty.gov

EXHIBIT C

Findings

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on May 1, 2019, in the matter of Project No. 2018-000464-(4), Conditional Use Permit (CUP) No. RPPL2018000728 ("CUP").
2. **ENTITLEMENT(S) REQUESTED.** The permittee, 7-Eleven, Inc. ("permittee"), requests the CUP to authorize the continued sale of beer and wine for off-site consumption at an existing convenience store in conjunction with a gas station ("Project") on a property located at 13019 Imperial Highway in the unincorporated community of South Whittier-Sunshine Acres in the Norwalk Zoned District ("Project Site") in the C-3-BE (Unlimited Commercial, Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. **PREVIOUS ENTITLEMENT(S).** CUP No. 02-014 authorized the sale of beer and wine for off-site consumption at a new convenience store and gas station. This CUP was approved on November 13, 2002 and expired on November 13, 2017.
4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Los Angeles County General Plan ("General Plan") Land Use Policy Map.
5. **ZONING.** The Project Site is located in the Norwalk Zoned District and is currently zoned C-3-BE. Pursuant to County Code section 22.28.210, a CUP is required for sale of beer and wine for off-site consumption at the site.
6. **PROJECT AND SITE PLAN DESCRIPTION.**
 - A. **Existing Site Conditions**

The Project Site is 0.69 in size and consists of four legal lots. The Project Site is mostly rectangular in shape with a flat topography and is currently developed with a convenience store and gas station.
 - B. **Site Access**

The Project Site is accessible via Imperial Highway to the south and Shoemaker Avenue to the west. Primary access to the Project Site is via an entrance/exit on Imperial Highway. Secondary access to the Project Site is via an entrance/exit on Shoemaker Avenue.

C. Site Plan

The Site Plan indicates the entire Project Site, which is a mostly rectangular parcel with a flat topography located at the northeast corner of the intersection of Imperial Highway and Shoemaker Avenue. The site is developed with an existing gas station and convenience store. The convenience store is located on the northeast portion of the property while the gas pumps and canopy are located on the southwest portion. Twelve parking spaces are located around the convenience store. The Site Plan also shows two ingress and egress driveways along Imperial Highway on the south and Shoemaker Avenue on the west. The Site Plan also shows the landscaping installed at the site.

D. Parking

Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store.

7. **PUBLIC COMMENTS.**

Staff has not received any comments at the time of report preparation.

8. **AGENCY RECOMMENDATIONS.**

Los Angeles County Sheriff's Department, Norwalk Station: Recommended approval in a letter dated March 15, 2018.

9. **CEQA DETERMINATION.**

Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station, with negligible or no expansion of use beyond that which was previously existing

GENERAL PLAN CONSISTENCY FINDINGS

10. **LAND USE POLICY.** The Commission finds that the Project is consistent with the goals and policies of the General Plan because the CG is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single family and multi-family residences; and residential and commercial mixed uses, categories into which this Project falls. The Commission further finds that

the Project promotes vibrant, livable and healthy communities with a mix of land uses, services and amenities and encourages a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs while reducing and mitigating the impacts on the surrounding areas.

11. GOALS AND POLICIES CONSISTENCY FINDINGS.

The Commission finds that the Project is consistent with the Goals and Policies of the General Plan, including:

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

A variety of commercial uses have been established at the intersection of Imperial Highway and Shoemaker Avenue, which are both heavily travelled transportation corridors. The existing gas station and convenience store contributes to the mix of community-serving uses in the area, and is, thus, consistent with this General Plan goal and policy;

and

- *Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing gas station and convenience store have been at the site for 15 years and are consistent with the surrounding commercial and institutional uses. However, while most of the parcels surrounding the site have been developed with various commercial and industrial uses, the neighborhood towards the northeast is still predominantly single-family residential. It is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impact on the residential neighborhood. Conditions in the CUP ensure that the sale of beer and wine at the site remains an accessory to the primary use at the site, which is a gas station with a convenience store. Beer and wine display will be limited to only 5 percent of the total shelf space of the store. To ensure that alcohol is not sold at the site in the early mornings and late nights, the sale of alcohol at the site will be limited to the hours of 10:00 am to 10:00 pm only. With these conditions in place, the project is not expected to result in any adverse effects on the surrounding areas.

ZONING CODE CONSISTENCY FINDINGS

12. **PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the C-3 zoning classification as the sale of beer and wine for off-site consumption is permitted in such zone with a CUP pursuant to County Code section 22.28.210.
13. **LANDSCAPING.** The Commission finds that the Project is consistent with the standards identified in County Code section 22.28.220.A.
14. **PARKING.** The Commission finds that the Project is consistent with the standard identified in County Code section 22.28.220.B.
15. **OUTSIDE DISPLAY.** The Commission finds that the Project is consistent with the standard identified in County Code section 22.28.220.C.

CONDITIONAL USE PERMIT FINDINGS

16. **The Commission finds that the existing use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.** A number of reference materials have already been incorporated into the public record as part of the County's adoption of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance in 2017, which document the harmful effects of increased availability of alcohol in communities. Aside from these, a study conducted by the US National Library of Medicine at the National Institutes of Health indicate that it is "reasonable to expect that reducing hours of sale (of alcohol) would also reduce alcohol-related harms (see Exhibit L1). Another study conducted in New Zealand found that (alcohol) drinkers purchasing alcohol at later times had higher odds of consuming 6+ drinks on a typical occasion and were more likely to be daily drinkers (see Exhibit L2). Consistent with these research findings, one of the recommendations of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice on how to reduce alcohol availability to young people was to restrict the hours of sale of alcohol (see Exhibit L3). The existing gas station and convenience store have been at the site for 15 years and are consistent with the surrounding commercial, industrial and institutional uses. The sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Beer and wine display at the site will be limited to only 5 percent of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on the surrounding areas.

17. **The Commission finds that the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project Site is 0.69 in size and mostly rectangular in shape. It is adequate to accommodate the required development standards. Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store. Approximately 13 percent of the total lot area is landscaped, which is in compliance with the required 10 percent for the site.
18. **The Commission finds that the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The Project Site has access to Imperial Highway and Shoemaker Avenue, both major roadways, and is adequately served by these.
19. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.

SUPPLEMENTAL FINDINGS

20. **The Commission finds that the requested use at the existing location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** There is only one sensitive use (Jehovah's Witness church) located within 600 feet of the Project Site. This is sufficiently buffered by a 6-foot concrete wall and landscaping. Also, the sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Beer and wine display at the site will be limited to only 5 percent of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on this sensitive use.
21. **The Commission finds that the requested use at the existing location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** There is a residential area to the northeast of the Project Site. This is also sufficiently buffered by a 6-foot block wall surrounding the subject parcel. The sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Beer and wine display at the site will be limited to only 5 percent of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on the surrounding residential areas.

22. **The Commission finds that the requested use at the existing location will not adversely affect the economic welfare of the nearby community.** The existing convenience store and gas station is compatible with the other commercial and industrial uses in the vicinity of the site and will be a positive contributor to the general economic activity in the area.
23. **The Commission finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.** The existing gas station and convenience store has been at the site for 15 years and is consistent with the surrounding commercial, industrial and institutional uses. The exterior of the building is well maintained and is compatible with the general character of the area. No changes are being proposed to the exterior of the existing structure.
24. **The Commission finds that even though the existing sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is existing within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** There are no other establishments selling alcohol within a 500-foot radius of the site and there is no over concentration of alcohol sales in the census tract as determined by California Department of Alcoholic Beverage Control ("ABC"). However, the site is located within a High Crime Reporting District, as determined by ABC. In consideration of the fact that the establishment has been selling beer and wine at the site for over 15 years and that their customers are used to purchasing beer and wine there, and in light of the restrictions that are being imposed by the CUP, the public convenience of allowing the customers of the convenience store to continue purchasing beer and wine together with their other purchases at the site may be considered to allow the continued sale of beer and wine at the site. However, based on research conducted by the market research firm, NPD Group (See Exhibit L4), customers of convenience stores in gas stations are most likely to purchase alcoholic beverages during the evening commute, which they identified as 4 to 8 p.m. Also, there are a number of other options within two miles of the Project Site that a member of the public can choose from when needing to make a beer and wine purchase outside of the identified peak hours. These include two Walmart stores, two Target stores, a Food for Less grocery and a Superior Grocers store. Because of these, staff believes that the public convenience and necessity of selling beer and wine at the site can only be established for the hours of 10:00 am to 10:00 pm, which will also allow for other possible reasons for purchasing beer and wine at the site.

ENVIRONMENTAL FINDINGS

25. The Commission finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project is for the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station. No changes are being proposed to the existing structure at the site.

ADMINISTRATIVE FINDINGS

26. **HEARING PROCEEDINGS.** The Project was first heard and approved by the HO on January 22, 2019. On this date, the HO heard a presentation from staff, which included a recommendation of approval of the CUP to authorize the continued sale of beer and wine at the site from 10:00 am to 10:00 pm daily. Staff reported that as per a communication from the ABC, the site was located in a High Crime Reporting District as defined and determined by the ABC and that because of this, a Finding of Public Convenience and Necessity was required before the CUP could be approved.

Staff indicated that the existing convenience store at the site has been selling beer and wine at the site for over fifteen years and their regular customers would be used to being able to purchase beer and wine at the site, together with their other purchases. Staff then stated that for this reason and considering the additional restrictions that are being imposed by the CUP, the continued sale of beer and wine at the site does serve a public convenience.

Staff also discussed more specifically the issue of the proposed condition limiting the hours of beer and wine sales at the site to 10:00 am to 10:00 pm, indicating that this was in line with a standard policy that DRP had implemented for beer and wine sales for off-site consumption, particularly for convenience stores in gas stations. Staff also indicated that this was different from the hours permitted by the previous CUP 02-014 that was approved on November 13, 2002, which allowed the sale of beer and wine at the site from 7:00 am to midnight.

Staff explained that CUP 02-014 expired on November 13, 2017 and that the sale of beer and wine at the site are now subject to the regulations that are currently in effect. Staff made a reference to County Code Section 22.52.3650.A, which provided that the Commission or Hearing Officer may impose additional conditions on the CUP including limitations on the days of the week and times of day during which alcoholic beverages may be sold. Staff explained that there were a number of factors that informed and influenced staff's approach and recommendation for the project. These included:

- Recent substantive discussions at the Commission and the Board of Supervisors ("Board") specifically regarding alcohol sales for off-site consumption at convenience stores located in gas stations;

- Recent adoption of the Safe Access to Alcohol and Food Establishments ("SAAFE") Ordinance in 2017, which contains stricter regulations within the unincorporated areas of the County; and
- Proceedings and eventual outcomes of recent similar cases.

The applicant's representatives ("applicant") were present, as well as the franchisees for the subject store. The applicant indicated their acceptance of all the proposed conditions of approval of the CUP, except for the permitted hours of alcohol sales, and that their request was for 6:00 am to 2:00 am, consistent with state law. In light of the County's new policy, the applicant requested a minimum of what was approved by the previous CUP, which is from 7:00 am to midnight.

The applicant made a number of arguments for the request, which included:

- The new policy is misguided from a practical and fairness standpoint, particularly as it was being applied to the subject site;
- The store has been open and operating at the site since 2002 and there has been no record of any objection to the continued sale of beer and wine at the hours permitted by the previous CUP;
- The recommended hours are in effect punishing a good operator and a family business;
- The new policy is misguided from a legal standpoint;
- There is a vested and existing property right with respect to the sale of beer and wine at the site from 7:00 am to midnight;
- Under the State constitution, the ABC has the exclusive power for regulating the hours of sale of alcohol and has not done so with this case; and
- There is no nexus for the conditions being imposed in terms of the restriction of the hours of alcohol sale.

The applicant also mentioned that there is a number of safeguards in the CUP with respect to the sale of beer and wine, such as no single beers less than 16 ounces allowed, no wine in containers less than 750 milliliters, shelf space for beer and wine limited to 5 percent and is currently 2.1 percent at the store, L.E.A.D. (Licensee Education for Alcohol and Drugs) training required, no exterior advertising of alcohol, coolers are locked when alcohol is not sold, security cameras, no display of alcohol within five feet of the register and the sale of a variety of fresh produce and whole grain items.

The applicant also indicated that the case where the new policy may have originated was for a new applicant, while this request was for a continuation of an existing use. She also stated that she had represented a similar 7-Eleven in the unincorporated area of Whittier in the beginning of May 2018 that was able to move forward with the 6:00 a.m. to 2:00 a.m. hours for alcohol sale.

The franchisee also presented testimony about how their customers expect the current hours of alcohol sales and that any reduction in these hours will affect their sales and bottom line. He indicated that they should not be considered as a big, corporate 7-Eleven brand, but individual owners who make their living out of the business. He also reiterated that they have not had any violation in the last 15 years and that they have trained their staff diligently to remain as such. He also stated his request to keep their current hours of alcohol sales or be granted the hours in line with State law, which is from 6:00 a.m. to 2:00 a.m.

A representative from 7-Eleven Corporate was also present and testified that she has worked with the franchisee for six years, but that the business has been in operation since 2005. She indicated that the owners/operators are very diligent in ensuring safety at the site for both their customers and employees. Closed-circuit video cameras are located inside as well as at the exterior perimeter of the store and that they work closely with the Sheriff's and police station in the area. She stated that this location is a commuter store and that they have first, second and third shift employees. Their primary business is making sure that food is available, but customers also look for the convenience factor of picking up beer on their way home or on the weekends. She concluded that the reduction in hours of alcohol sales would definitely impact the business.

Another 7-Eleven franchisee was also present and testified in support of the applicant. He reiterated that this is a small business and is somebody's livelihood and that any restriction affects the bottom line. He also stated that it affects their ability to cater to their customers since they may be looking to buy food and water, as well as alcohol, and if alcohol is not available at that time, they will just stop somewhere else. He indicated that while alcohol sale is a small percentage of the business, it takes away from the whole of the business because they are not able to provide that convenience factor to the customer.

A member of the public was also present and testified that he works in the area, sometimes in the graveyard or morning shifts. He indicated that people come right after the 7:00 am shift to pick up food and beer after getting off from work and that it would be inconvenient to change this since they've already been used to it for years.

After the public testimony, the HO indicated that the previous CUP expired on November 13, 2017 and when a new CUP is applied for, it is contingent on the conditions and requirements at that time. The HO stated that a CUP is not renewed when it expires, but a new one is applied for. He also indicated that the County is concerned and wants to ensure safe and healthy communities throughout the area, which includes convenience stores and the products they have, including fresh food, and the convenience they provide. The HO indicated that this CUP has been structured to provide what is necessary for the community, but also to ensure a safe community. He stated that this is a new direction that the County has moved towards in the last couple of years and now that this new application has been submitted, all

these things have to be taken into account. He indicated that in reviewing all the materials and recent previous cases, he finds that the 10:00 a.m. to 10:00 p.m. period, which allows for 12 hours where alcohol can be purchases at the site, is sufficient. The HO then closed the public hearing and approved the CUP, subject to staff's proposed conditions, including the 10:00 a.m. to 10:00 p.m. time period allowed for the sale for beer and wine at the site.

On January 31, 2019, an appeal was received from the applicant indicating that the condition restricting alcohol sales at the site was improper and must be deleted. In the appeal, the applicant indicated that there was no nexus between the HO's factual findings and the new restriction on hours of alcohol sales. The applicant also indicated that this condition was part of an impermissible policy that unfairly and solely targets convenience stores with concurrent gas sales with no justification and that this policy is pre-empted by California State law as the California Constitution grants the ABC the exclusive right to regulate the sale of alcohol (highlight provided by the applicant). Please see also Exhibit K for details.

(Reserved for proceedings of public hearing on May 1, 2019)

27. LEGAL NOTIFICATION. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, and newspaper (La Opinion and Whittier Daily News). Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Norwalk Library. On 3/21/2019, a total of 42 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Norwalk Zoned District and to any additional interested parties.

28. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES THAT:**

- A. The existing use with the attached conditions will be consistent with the adopted General Plan.
- B. The existing use with the attached conditions at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The existing use with the attached conditions at the site will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The existing use with the attached conditions at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. With the imposition of a number of conditions, the public convenience for the store selling alcoholic beverages for off-site consumption outweighs the fact that it is located in a High Crime Reporting District as determined by ABC.
- H. The existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities) categorical exemption); and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2018000728**, subject to the attached conditions.

ACTION DATE: May 1, 2019

MM:CN
1/14/19

c: Regional Planning Commission, Zoning Enforcement, Building and Safety

EXHIBIT D

Conditions of Approval

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728**

PROJECT DESCRIPTION

The project is a conditional use permit to authorize the continued sale of beer and wine for off-site consumption at an existing convenience market in conjunction with an existing gasoline station, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 1, 2034.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30)-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to

cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works (DPW) to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control. All litter and trash shall be collected regularly from the premises and the adjoining right-of-way.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information

about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required because of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee. All lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours.
21. All lighting shall be designed to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. No light shall illuminate adjacent private residences. Neon lighting shall be prohibited.
22. Beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
23. There shall be no wine, except for wine coolers, sold in containers of less than 750 milliliters. Wine coolers shall not be sold in less than four-pack quantities.
24. No miniatures of any type may be sold.

25. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises. The total shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the convenience store.
26. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises. The permittee shall instruct all employees regarding these restrictions. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
28. The permittee, and all managers and designated employees of the establishment who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control or an equivalent program such as SafeServe. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
29. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
30. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
31. The licensed premises shall have no amusement rides or games or other similar activities, whether coin-operated or not, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines.

PROJECT SITE-SPECIFIC CONDITIONS

32. This grant shall authorize the sale of beer and wine for off-site consumption at an existing convenience store in conjunction with an existing gasoline station.

33. This grant authorizes the sale of beer and wine from 10:00 a.m. to 10:00 p.m. daily.
34. Beer and wine items shall be stored in lockable coolers, which shall be kept locked except for the hours when alcohol sales are approved by this CUP.
35. Security cameras shall be installed inside the convenience store and outside facing the parking lot. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request.
36. Security alarms shall be installed inside the store.
37. There shall be no outdoor sales, storage, or displays of merchandise except for that directly related to automobile accessories and facilities necessary for dispensing petroleum products.
38. No sexually explicit reading material shall be on display or sold on the premises.
39. No beer or wine advertisements shall be displayed at any location on the subject property, including at motor fuel islands and on the exterior walls or windows of the convenience store.
40. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
41. Wall signs and graphic displays must be confined to the façade surface of the building and the pump island canopy, and should not project above the roofline or disrupt the architectural design of the building; such signage shall conform to the requirements of the Los Angeles County Code.
42. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
43. Outdoor advertising signs (billboards) are prohibited.
44. Outside storage of trash shall be within an approved trash enclosure.
45. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
46. No sales to any person appearing to be or actually being intoxicated shall be allowed.
47. Deliveries shall be limited to non-peak hours, generally between 9.a.m. and 6 p.m.
48. All commercial vehicle delivery trucks must use commercial streets and/or designated truck routes for deliveries.

49. A numbering address sign shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Department of Regional Planning.
50. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
51. No alcoholic beverages shall be displayed within five feet of the cash register or the front door.
52. The permittee shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:
 - a. Within ten (10) feet of the front door;
 - b. Within five feet of a cash register;
 - c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
 - d. On an end cap of an aisle; or
 - e. Within a display area dedicated to produce that is easily accessible to customers.

EXHIBIT E

Applicant's Burden of Proof



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

See attached.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

See attached.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

See attached.

Conditional Use Permit Burden of Proof Attachment

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or

On November 13, 2002, the Regional Planning Commission approved Conditional Use Permit ("CUP") No. 02-014-(1) for the sale of beer and wine for off-site consumption at a 7-Eleven convenience store and gas station located at 13019 Imperial Highway, in unincorporated Whitter.

Now, the Applicant, 7-Eleven, Inc., is simply requesting to renew its CUP authorizing the sale of beer and wine at the existing 7-Eleven.¹ Since its approval, 7-Eleven has provided a variety of goods and services that customers expect at a neighborhood "one-stop" convenience market, including fresh food, basic grocery items, gasoline, and household goods. This application is to renew the prior CUP authorizing the sale of beer and wine at an existing 7-Eleven store, permit beer and wine sales between 6:00 am to 2:00 am (modification to Condition No. 21(n)), and permit the sale of beer in single can quantities (modification to Condition No. 21(l)). This store has been open and operating for many years without any change in the nature of the use. Given that this is simply a renewal of a previously granted use (with minor modifications to the hours beer and wine may be sold and the quantities in which beer and wine may be sold), there is no reason to expect any adverse effect to the health, peace, comfort or welfare of persons residing or working in the surrounding area.

Also, as found by the Regional Planning Commission in 2002, "[t]he requested use is primarily a convenience store and gas station. Beer and wine sales will be limited to 5 percent of the total shelf space in the store, making the request for beer and wine sales ancillary to the primary convenience items and gas services. The immediate vicinity contains no similar uses, and there are no food stores within walking distance of the residences and growing office, manufacturing and warehouse facilities along Imperial Highway. Therefore, the proposed project will provide a needed community service and will not adversely affect the economic welfare of the community. (CUP Case No. 02-014-(1), Finding 21, pg. 6). Thus, the Regional Planning Commission concluded, "[t]hat the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare." (CUP Case No. 02-014-(1), Conclusion B, pg. 8). These findings and conclusions remain true today.

¹ This Application is being submitted in the spirit of cooperation and to comply with current CUP language; however, Applicant does not waive its intention that CUPs run with land and therefore by law do not expire.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

The continuation of the 7-Eleven will not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity because the 7-Eleven convenience store and gas station are an existing use at the location. As described above, the incidental sale and dispensing of beer and wine are typical of a full-service convenience market. This 7-Eleven has operated over the years without negative impacts to the surrounding area, and has operated with self-imposed conditions similar to those typically placed on discretionary actions prepared by the Department of Regional Planning.

Additionally, as found by the Regional Planning Commission, “[l]ocated on the corner of the intersection between Imperial Highway and Shoemaker Avenue, the proposed use is easily accessible and does not invade or disrupt the existing residential neighborhood or conflict with established community land use, parking and circulation patterns. The conditions of approval will ensure that the proposed use complies with the applicable design standards.” (CUP Case No. 02-014-(1), Finding 11, pg. 4). The Regional Planning Commission also noted that “[t]he proposed project and the exterior of the proposed structure will be consistent with the appearance of commercial structures in the immediate vicinity of the subject site. The area contains a mix of office and other commercial and manufacturing land uses. (CUP Case No. 02-014-(1), Finding 22, pg. 6). Thus, the Regional Planning Commission concluded:

- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius;
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. That the requested use at the proposed location will not result in undue concentration of similar premises;
- H. That the requested use at the proposed location will not adversely affect The economic welfare of the nearby community.

(CUP Case No. 02-014-(1), Conclusions E-H, pg. 8).

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

This is an application for the renewal of an existing CUP to authorize the continued sale of beer and wine at an existing 7-Eleven store. The project was approved in 2002 and remains compatible with the surrounding neighborhood. The 7-Eleven and the selling of beer and wine will continue to provide a benefit to the nearby community and will not be detrimental to the area. In fact, this 7-Eleven has and will continue to have a positive impact on the welfare of the community. 7-Eleven has operated on this site for several years without adverse impacts to the surrounding community as a result of the imposed conditions and 7-Eleven’s adherence to its corporate policies regarding responsible retailing of alcoholic beverages. The subject store and

the continued sale of alcoholic beverages is part of a well-known national chain of established convenience stores. Its continued business at this location will re-enforce the character of the area. The store and subject sales will serve the public convenience and strengthen the area.

Notably, the Regional Planning Commission found that “[t]he requested use is primarily a convenience store and gas station. Beer and wine sales will be limited to 5 percent of the total shelf space in the store, making the request for beer and wine sales ancillary to the primary convenience items and gas services. The immediate vicinity contains no similar uses, and there are no food stores within walking distance of the residences and growing office, manufacturing and warehouse facilities along Imperial Highway. Therefore, the proposed project will provide a needed community service and will not adversely affect the economic welfare of the community.” (CUP Case No. 02-014-(1), Finding 21, pg. 6). Thus, the Regional Planning Commission concluded “[t]hat the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.” (CUP Case No. 02-014-(1), Conclusion B, pg. 8). These findings and conclusions remain true today as the renewal of this 7-Eleven CUP will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

This is an application for the renewal of an existing CUP to authorize the continued sale of beer and wine at an existing 7-Eleven store. The project’s location, design, size, walls, fences, parking, landscaping and other development features were approved in 2002 and remain compatible with the uses in the surrounding area. There is no construction, alterations or physical changes in the use proposed as part of this application and thus, no reason to conclude the prior approved location, design, size, walls, fences, parking, landscaping and other development features would not be compatible with the surrounding uses.

Thus, the Regional Planning Commission concluded “[t]hat the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.” (CUP Case No. 02-014-(1), Conclusion C, pg. 8). These conclusions remain true today.

C. That the proposed site is adequately served:

- 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and**
- 2. By other public or private service facilities as are required.**

The site is located on the northeast corner of Imperial Highway and Shoemaker Avenue. These streets have proved over the years to be of sufficient width to carry the kind and quantity of traffic generated by 7-Eleven patrons. The approval of this CUP renewal application will not generate any additional traffic, but would simply allow the continuation of the existing use.

Also, as found by the Regional Planning Commission, "the proposed use is easily accessible and does not invade or disrupt the existing residential neighborhood or conflict with established community land use, parking and circulation patterns." (CUP Case No. 02-014(1), Finding 11, pg. 4). Thus, the Regional Planning Commission concluded "[t]hat the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required." (CUP Case No. 02-014(1), Conclusion D, pg. 8). These findings remain true today.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): Type 20 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

See attached.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

See attached.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

See attached.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

See attached.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

See attached.

Alcoholic Beverage Sales Burden of Proof Attachment

- A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.**

On November 13, 2002, the Regional Planning Commission approved Conditional Use Permit ("CUP") No. 02-014-(1) for the sale of beer and wine for off-site consumption at a 7-Eleven convenience store and gas station located at 13019 Imperial Highway, in unincorporated Whittier.

Now, the Applicant, 7-Eleven, Inc., is simply requesting to renew its CUP authorizing the sale of beer and wine at the existing 7-Eleven.¹ Since its approval, 7-Eleven has provided a variety of goods and services that customers expect at a neighborhood "one-stop" convenience market, including fresh food, basic grocery items, gasoline, and household goods. This application is to renew the prior CUP authorizing the sale of beer and wine at an existing 7-Eleven store, permit beer and wine sales between 6:00 am to 2:00 am (modification to Condition No. 21(n)), and permit the sale of beer in single can quantities (modification to Condition No. 21(l)). This store has been open and operating for many years without any change in the nature of the use. Given that this is simply a renewal of a previously granted use (with minor modifications to the hours beer and wine may be sold and the quantities in which beer and wine may be sold), there is no reason to expect any adverse effect on any nearby sensitive uses such as places of religious worship, schools, parks, and/or playgrounds. The continuation of the operation, with strict adherence to the imposed conditions and under proper management and supervision, will continue to remain proper in relation to any nearby sensitive uses. The sensitive use within 600 feet of the subject site (see attached list – one church) will continue to be served by the 7-Eleven without any negative impacts. 7-Eleven offers a beneficial shopping experience, offering fresh grocery items, dry goods, medicine, beverages, and/or other necessary retail items. The community has come to expect and rely upon such service. The incidental sale and dispensing of beer and wine are typical of a full-service convenience market.

As found by the Regional Planning Commission in 2002, "[t]here is a church on Shoemaker Avenue within 600 feet and to the rear of the subject property. In response to security concerns voiced at the public hearing, the applicant has voluntarily proposed several measures to avoid adverse impacts on the church including provision of additional security cameras, interior and exterior lighting, employee training, and limitation of alcohol display to ten percent of the total merchandising floor space. These and other mitigation measures required by the conditions of approval will limit any potential adverse impacts on adjacent properties. There are no other churches and no schools, parks, playgrounds or any similar uses within a 600-foot radius of the subject property." (CUP Case No. 02-014-(1), Finding 18, pg. 6). And, the Regional Planning Commission concluded "[t]hat the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playgrounds or any

¹ This Application is being submitted in the spirit of cooperation and to comply with current CUP language; however, Applicant does not waive its intention that CUPs run with land and therefore by law do not expire.

similar use within a 600 foot radius.” (CUP Case No. 02-014-(1), Conclusion E, pg. 8). These findings and conclusions remain true today.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The residential uses, as well as other establishments, have not been adversely affected in the years that the Applicant has owned and operated the establishment. The nearby residential uses have not and will not be detrimentally affected by the continuation of the existing convenience market and service station. The 7-Eleven will continue to serve the needs of the adjacent uses and will operate in such a manner so as not to detrimentally affect nearby residentially zoned property.

Furthermore, the combination of proactive security measures, the conditions made part of the CUP, and strict company policies will ensure the continuation of the safety and well-being of nearby residents.

Additionally, as found by the Regional Planning Commission, “[t]here are single-family homes and apartment complexes in the immediate vicinity, to the north and northeast of the proposed project. The church acts as a buffer between the proposed project and the homes along Shoemaker to the north. The homes to the northeast, with access from Painter Avenue, are buffered from the proposed project by an existing auto repair facility.” (CUP Case No. 02-014-(1), Finding 19, pg. 6). The Regional Planning Commission also concluded that “[t]he requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.” (CUP Case No. 02-014-(1), Conclusion F, pg. 8). These findings and conclusions remain true today.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

As previously stated, this Application is for the renewal of an existing CUP. There is already an ABC license existing for this site. Therefore, the approval of this Application will not increase the license count for this census tract and add to any undue concentration.

7-Eleven offers a beneficial shopping experience, in which nearby residents can purchase fresh grocery items, dry goods, medicine, beverages, and/or other necessary retail items. The community has come to expect and rely upon such service. The incidental sale and dispensing of alcoholic beverages are typical of a full-service convenience market. This 7-Eleven has operated over the years without negative impacts to the surrounding area, and has operated with self-imposed conditions similar to those typically placed on discretionary actions prepared by the Department of Regional Planning.

And, the Regional Planning Commission concluded “[t]hat the requested use at the proposed location will not result in an undue concentration of similar premises.” (CUP Case No. 02-014-(1), Conclusion G, pg. 8).

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The subject convenience market and service station and the selling of beer and wine will not be detrimental to the character of the immediate area and will have a positive impact on the economic welfare of the community. 7-Eleven has been approved for operations on this site since 2002 without adverse impacts upon the surrounding community as a result of the imposed conditions and as a result of 7-Eleven’s adherence to its corporate policies regarding responsible retailing of alcoholic beverages. The subject store and the continued sale of beer and wine is part of a well-known National chain of established convenience markets. Its continued business at this location will re-enforce the character of the area. The store and subject sales will serve to strengthen the economic vitality of the area.

Also, as found by the Regional Planning Commission in 2002, “[t]he requested use is primarily a convenience store and gas station. Beer and wine sales will be limited to 5 percent of the total shelf space in the store, making the request for beer and wine sales ancillary to the primary convenience items and gas services. The immediate vicinity contains no similar uses, and there are no food stores within walking distance of the residences and growing office, manufacturing and warehouse facilities along Imperial Highway. Therefore, the proposed project will provide a needed community service and will not adversely affect the economic welfare of the community.” (CUP Case No. 02-014-(1), Finding 21, pg. 6). Thus, the Regional Planning Commission concluded “[t]hat the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.” (CUP Case No. 02-014-(1), Conclusion H, pg. 8). These findings and conclusions remain true today.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

This is an application for the renewal of an existing CUP to authorize the continued sale of beer and wine at an existing 7-Eleven store. The project and development features were originally approved in 2002 and remain compatible with the uses in the surrounding neighborhood. There is no construction, alterations or physical changes in the use proposed as part of this application and thus, not reason to conclude the prior approved project and development features would not be compatible with the surrounding area.

In 2002, the Regional Planning Commission found that “[t]he proposed project and the exterior of the proposed structure will be consistent with the appearance of commercial structures in the immediate vicinity of the subject site. The area contains a mix of office and other commercial and manufacturing land uses. The proposed project will improve the appearance of the subject property. During a site visit, staff found the subject property littered, covered with weeds, and vacant except for one billboard which will be removed. The proposed project will result in development of this unsightly vacant lot and removal of the existing billboard. It will not cause blight or deterioration, or impair property values within the neighborhood.” (CUP Case No. 02-

014-(1), Findings 21-22, pgs. 6-7). Thus, the Regional Planning Commission concluded "[t]hat the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood." (CUP Case No. 02-014-(1), Conclusion I, pg. 9). These findings and conclusions remain true today.

EXHIBIT F

Environmental Determination



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

PROPOSED ENVIRONMENTAL DETERMINATION

DETERMINATION DATE:	January 14, 2019
PROJECT NUMBER:	2018-000464-(4)
PERMIT NUMBER(S):	Conditional Use Permit RPPL2018000728
SUPERVISORIAL DISTRICT:	4
PROJECT LOCATION:	13019 Imperial Highway, South Whittier-Sunshine Acres
OWNER:	7-Eleven, Inc.
APPLICANT:	7-Eleven, Inc.
CASE PLANNER:	Carl Nadela, AICP cnadela@planning.lacounty.gov

Los Angeles County ("County") completed an initial review for the above-mentioned project. Based on examination of the project proposal and the supporting information included in the application, the County proposes that an Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The project qualifies as a Class 1 Categorical Exemption under State CEQA Guidelines Section 15301 because the Project is for the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station. No changes are being proposed to the existing structure at the site.

EXHIBIT G

Informational Maps

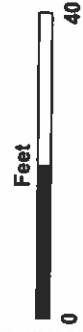
AERIAL IMAGERY

SITE-SPECIFIC MAP

PROJECT NO. 2018-000464

CUP RPPL2018000728

Digital Ortho Aerial Imagery:
Los Angeles Region Imagery
Acquisition Consortium (LARIAC)
2017



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



HALF-MILE RADIUS

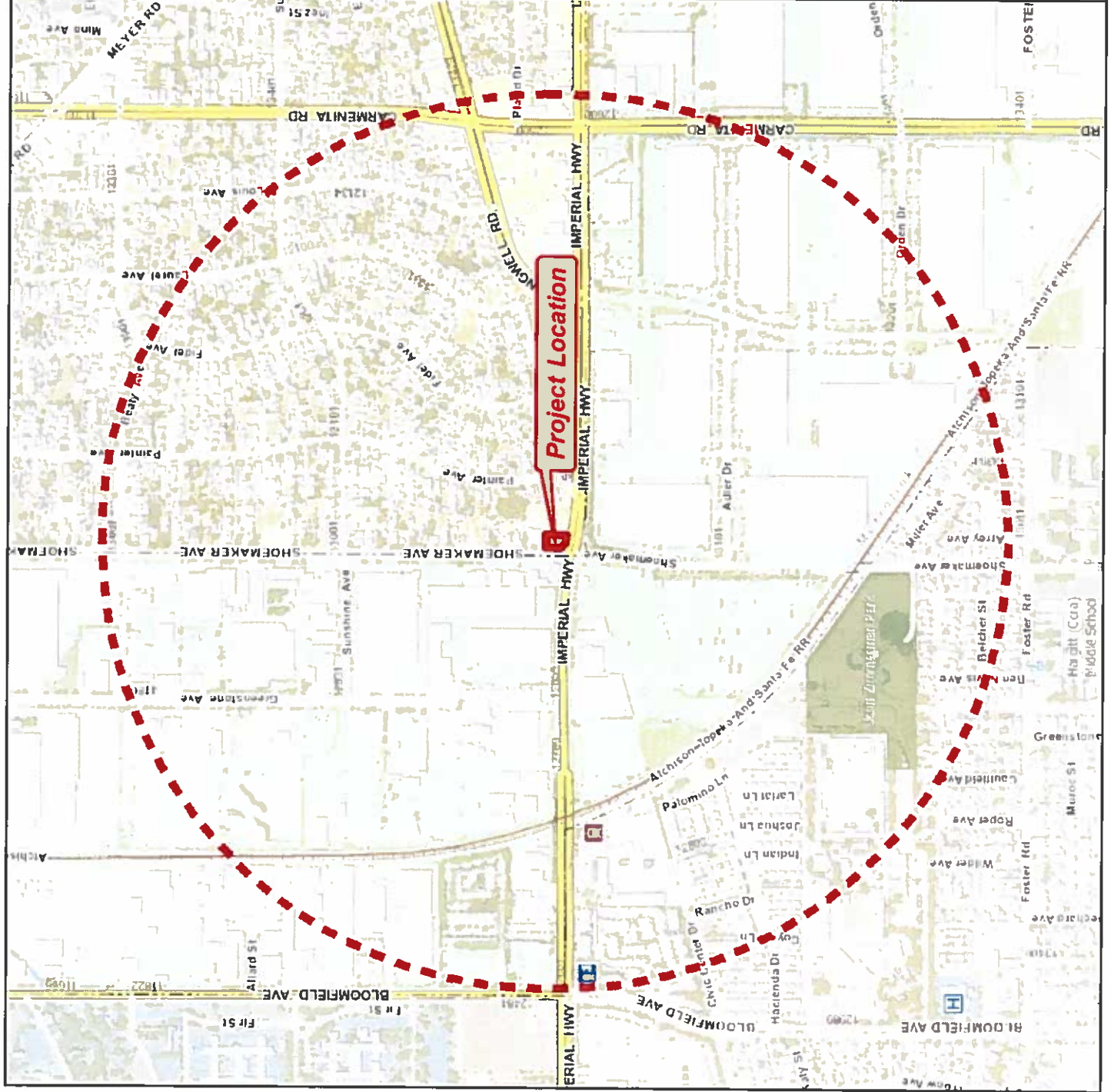
LOCATOR MAP

PROJECT NO. 2018-000464

CUP RPPL2018000728



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

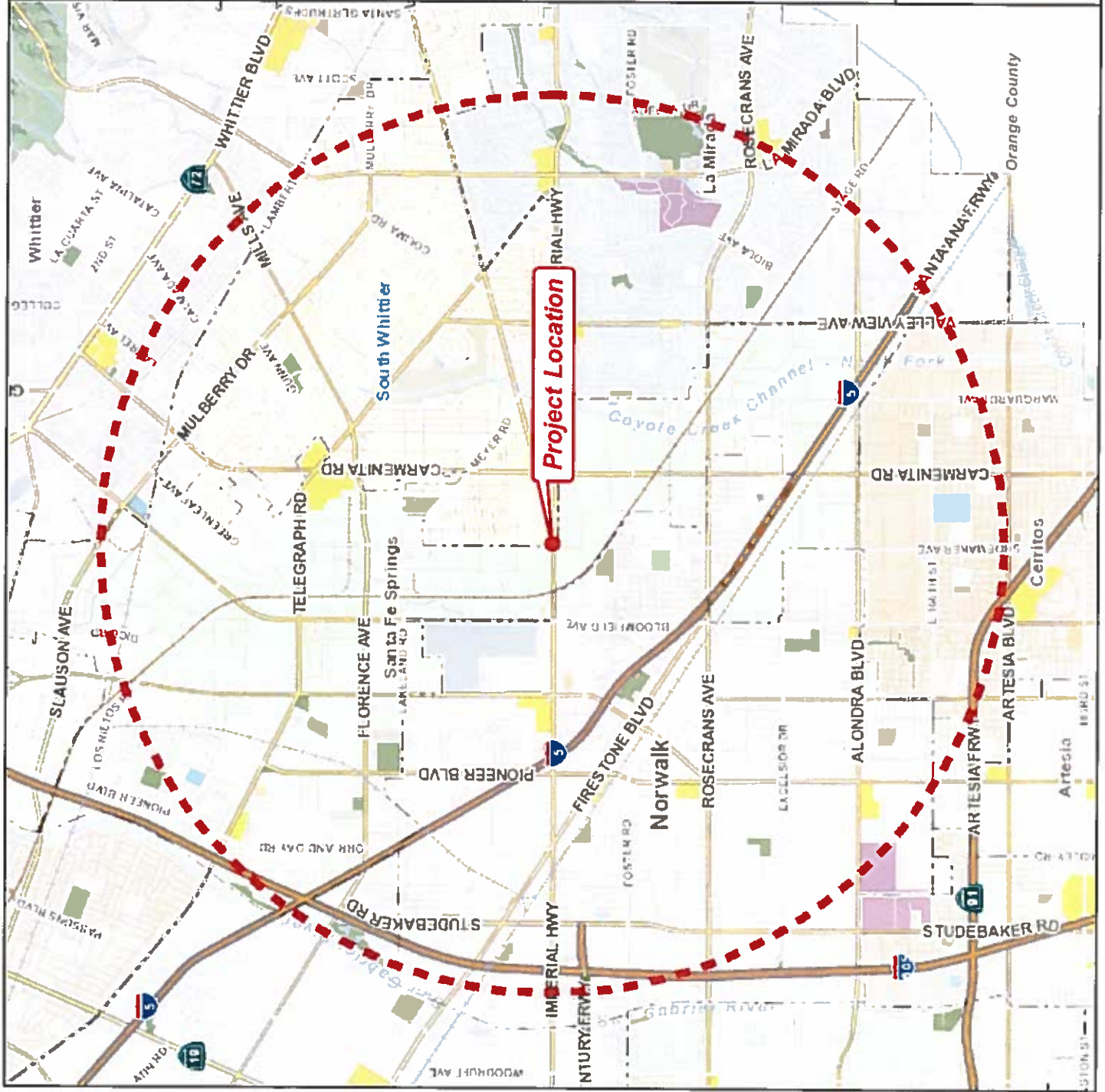


3-MILE RADIUS

LOCATOR MAP

PROJECT NO. 2018-000464

CUP RPPL2018000728



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



LOCATOR MAP

CUP RPPL2018000728



Age Group	Percentage (%)
0-10	~1.5
11-20	~1.5
21-30	~4.5
31-40	~3.5
41-50	~2.5
51-60	~1.5
61-70	~1.5
71-80	~1.5
81-90	~1.5
91-100	~1.5



LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



EXHIBIT H

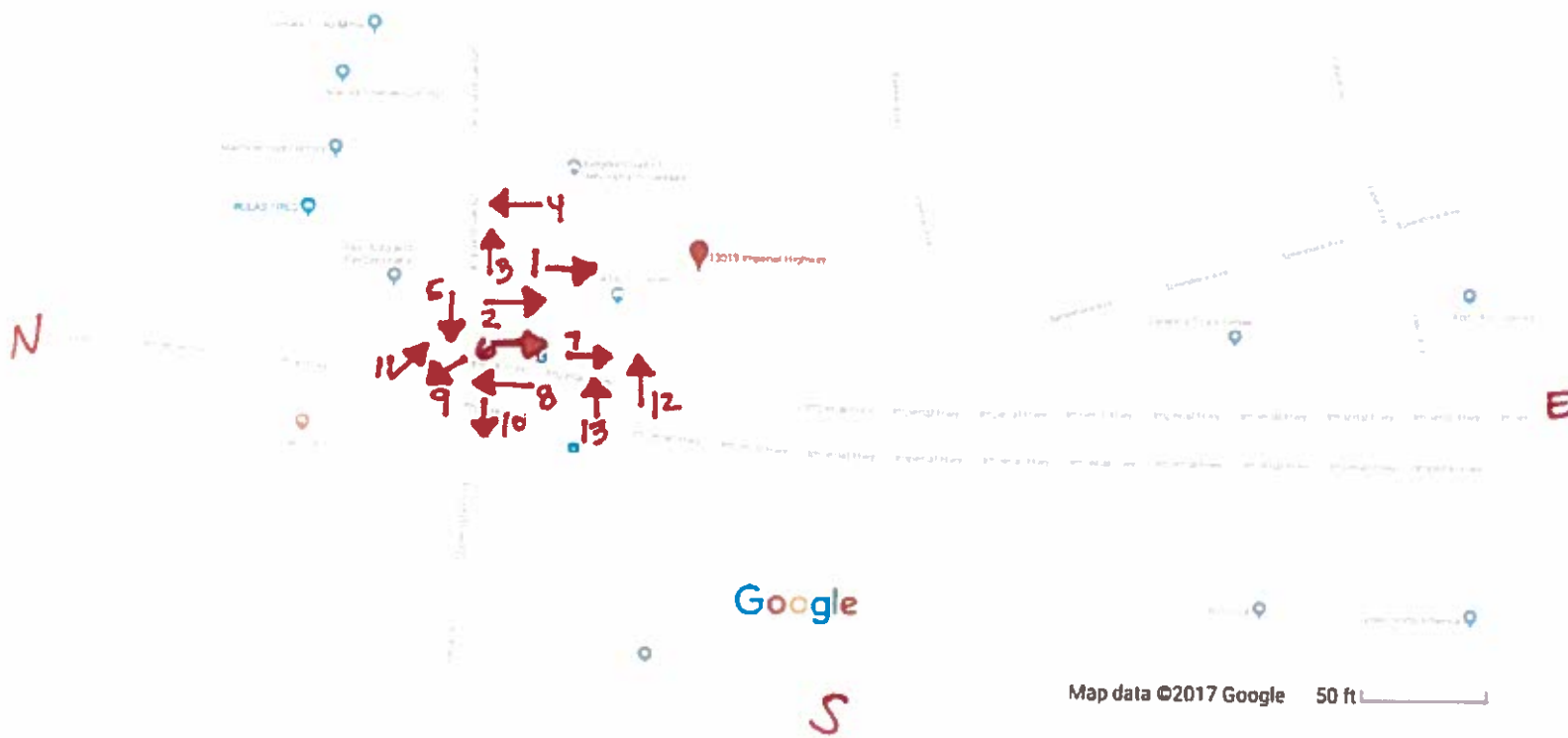
Photographs

Google Maps

13019 Imperial Hwy

Site Photographs and Index Map

N



7-Eleven #33149A: 13019 Imperial Highway, Whittier, CA 90605

Site Photographs and Index Map



1. View looking east at entrance to 7-Eleven store



2. View looking east at entrance to 7-Eleven store and fuel stations



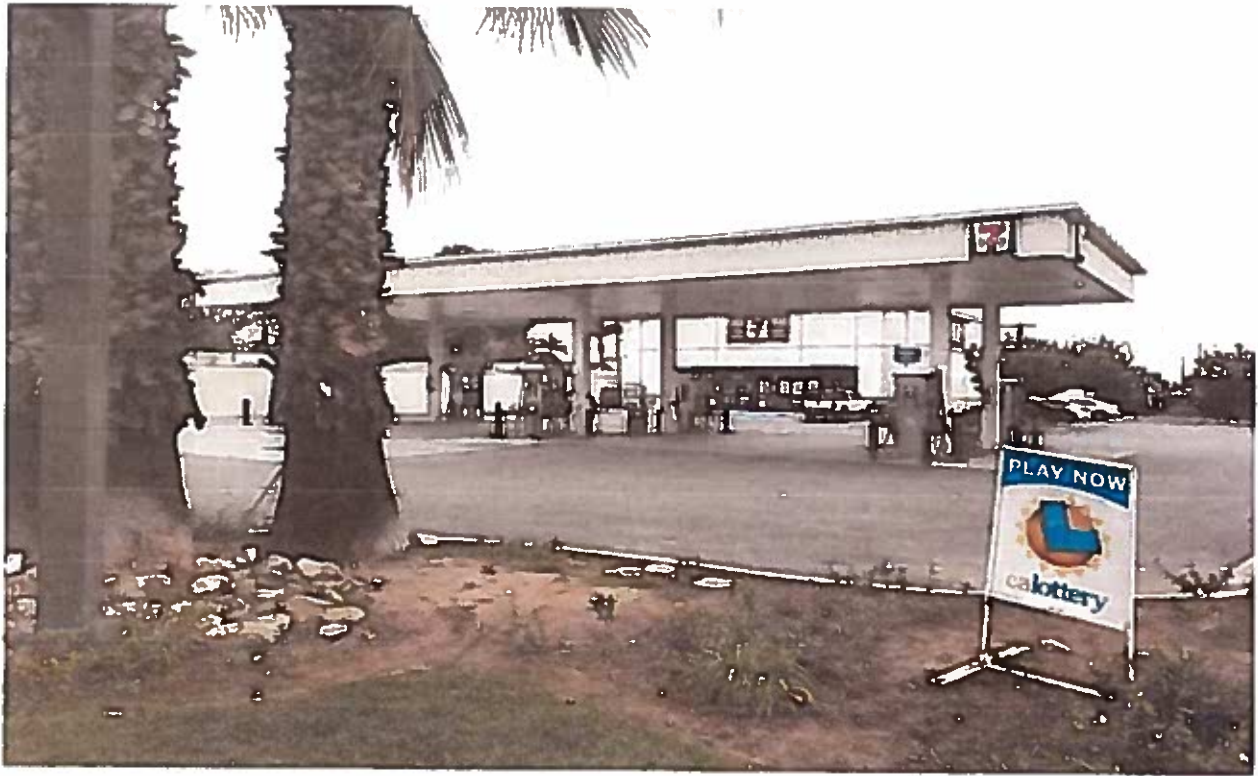
3. View looking north along Shoemaker Avenue by the east driveway entrance



4. View looking west across Shoemaker Avenue at nearby businesses



5. View looking south at the intersection of Imperial Highway and Shoemaker Avenue



6. View looking east at the subject property



7. View looking east at the south of the property and along Imperial Highway



8. View looking west across Shoemaker Avenue at the southeast corner of Imperial Hwy



9. View looking southwest at the intersection of Imperial Highway and Shoemaker Ave



10. View looking south across Imperial Highway



11. View looking northeast at 7-Eleven store and fuel stations



12. View looking north at west and south side of the 7-Eleven store



13. View looking north at fuel stations on subject property

EXHIBIT I

Agency Correspondence

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions: This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

7 ELEVEN INC

2. PREMISES ADDRESS (Street number and name, city, zip code)

13019 Imperial Hwy, Whittier (CA) 90605-4142

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge	Private Club
Deli or Specialty Restaurant	Comedy Club	Night Club	Veterans Club
Cafe/Coffee Shop	Brew Pub	Tavern: Beer	Fraternal Club
Bed & Breakfast:	Theater	Tavern: Beer & Wine	Wine Tasting Room
Wine only	All		
Supermarket	Membership Store	Service Station	Swap Meet/Flea Market
Liquor Store	Department Store	Convenience Market	Drive-in Dairy
Drug/Variety Store	Florist/Gift Shop	Convenience Market w/Gasoline	
Other - describe:			

5. COUNTY POPULATION

NA

6. TOTAL NUMBER OF LICENSES IN COUNTY

NA

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1: 1.608

8. CENSUS TRACT NUMBER

8030.

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

3:

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (a) does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?

Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)

No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

0494

14. TOTAL NUMBER OF REPORTING DISTRICTS

557

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

47,758

16. AVERAGE NO. OF OFFENSES PER DISTRICT

85.7

17. 120% OF AVERAGE NUMBER OF OFFENSES

103

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

478

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (a) has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency?

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

LAC Regional Planning

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

9/24/18

[Insert Sheriff Letterhead] COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service Since 1850"

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol
Project No.: 2018-000464-(4)
Permit No.: CUP RPPL2018000728
Establishment: 7-Eleven
Location: 13019 Imperial Hwy, Whittier, CA
Description: CUP for the continued sale of alcoholic beverages for offsite consumption at an existing 7-Eleven store

(1) Summary of service calls and crime history for the project site over the last five years:

The Sheriff's Department has responded to over 30 calls for service at 13019 Imperial Hwy, Whittier in the past five years; most of those calls involved business disputes (petty thefts, loitering, etc.) Attached is the CFS report of those calls and a second report of all criminal reports taken.

(2) Comments/recommended conditions:

Most calls for service have been routine in nature. This establishment has not been a problem.

(3) Overall recommendation:

- ☒ Sheriff recommends approval of this CUP.
- ☐ Sheriff does **NOT** recommend approval of this CUP.

JIM McDONNELL
SHERIFF

Daniel J. Gillespie, Lieutenant
Norwalk Station

Regional Allocation of Police Services
Location Inquiry from 03/07/2017 To 03/07/2018

Incident Date: 03/29/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7 ELEVEN"	210	GEO: CONTACT INF RE ITEMS STOLEN FRM LOC YESTERDAY, NFD	CONT BHAILA, BINU, M/A, 071779, SAID M/H, BLK CAP, BRO SHIRT, BLU JEANS TOOK A BOXOF LIGHTERS. NON DESIREOUS

Incident Date: 04/01/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI "7-11"	30	NO ANSWER ON C/B	C/TEJWAN DINESA MO/112790 RE927H. BEER RUN ONLY NON DESIROUSOF RPT

Incident Date: 04/09/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	10	2ND HAND INFO FROM WHITTIER PD, MALE SLEEPING IN OLDER BLUE BUICK W/ENGINE RUNNING IN P- LOT OF LOC, NFD	DP GPA UTL

Incident Date: 04/22/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI	8	X-43K1 RE DET-5	ASSTD 43K1 RE DET-5

Incident Date: 05/22/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	198	MH/40'S (SAMUEL) WRNG BEIGE JACKET GRY SHORTS WALKING AROUND P-LOT OF LOC BOTHERING CUSTOMER AND EMPLOYEES, IAD NFD	HANDLED BY 48B
D	R	13019 IMPERIAL HWY, WHI "7-11"	198	MH/40'S (SAMUEL) WRNG BEIGE JACKET GRY SHORTS WALKING AROUND P-LOT OF LOC BOTHERING CUSTOMER AND EMPLOYEES, IAD NFD	DP GPA/UTL

Incident Date: 05/29/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
----------	----------	-----------------	------------	----------------------	-----------------------

Incident Date: 05/29/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI "7-ELEVEN"	253	GEO:M/A WRNG BLUE JACKET/ KHAKI SHORTS/BASEBALL HAT TRIED TO STEAL FROM STORE AND LEFT ON FOOT ON NB SHOEMAKER FTF//ATTEMPTED TO CONTACT STORE AND NO ANSWER//2ND HAND INFO//	X/48 AS NEEDED. 927C AREA FOR SUSP, UTL
B	P	13019 IMPERIAL HWY, WHI "7-ELEVEN"	253	GEO:M/A WRNG BLUE JACKET/ KHAKI SHORTS/BASEBALL HAT TRIED TO STEAL FROM STORE AND LEFT ON FOOT ON NB SHOEMAKER FTF//ATTEMPTED TO CONTACT STORE AND NO ANSWER//2ND HAND INFO//	SEE T-254 FOR CLEARANCE
B	P	13019 IMPERIAL HWY, WHI "7-11"	254	C/WIRELESS HOLDUP ALARM FROM LOC - NO VIDEO - (562 903 2255)	AS NEEDED
B	P	13019 IMPERIAL HWY, WHI "7-11"	254	C/WIRELESS HOLDUP ALARM FROM LOC - NO VIDEO - (562 903 2255)	RELATED TO TAG-254
B	P	13019 IMPERIAL HWY, WHI "7-11"	254	C/WIRELESS HOLDUP ALARM FROM LOC - NO VIDEO - (562 903 2255)	C/CORTEZ MACIEL MH/091687 RE 211S AT 711. INF IS THE STORE CLERK. NO ITEMS WERE OBTAINED. SEE URN FOR FURTHER 17-07752-04

Incident Date: 06/18/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI "7-11"	16	//UD// PREM # (562 903 2255) NO VIDEO LINK, NFD	ASSTD 48B AS NEEDED
B	P	13019 IMPERIAL HWY, WHI "7-11"	16	//UD// PREM # (562 903 2255) NO VIDEO LINK, NFD	C/NIRMAL GHIMIRE MO/083093 RE 211S. NO 211, 488 ONLY.SEE RPT17-08755-04
B	P	13019 IMPERIAL HWY, WHI "7-11"	16	//UD// PREM # (562 903 2255) NO VIDEO LINK, NFD	ASSIST AS NEEDED

Incident Date: 06/24/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
----------	----------	-----------------	------------	----------------------	-----------------------

Regional Allocation of Police Services
Location Inquiry from 03/07/2017 To 03/07/2018

Incident Date: 06/24/2017

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
3	B	P	13019 IMPERIAL HWY, WHI "7-11"	39	(562 903 2255)	AS NEEDED
3	B	P	13019 IMPERIAL HWY, WHI "7-11"	39	(562 903 2255)	
3	B	P	13019 IMPERIAL HWY, WHI "7-11"	39	(562 903 2255)	X 48 AS NEEDED
3	B	P	13019 IMPERIAL HWY, WHI "7-11"	39	(562 903 2255)	C/KUMA THE 711 EMPLOYEE WHO STATED NO 211. ACCIDENTAL ONLY
3	B	P	13019 IMPERIAL HWY, WHI "7-11"	39	(562 903 2255)	AS NEEDED

Incident Date: 08/18/2017

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
3	D	R	13019 IMPERIAL HWY, WHI	188		ARRSTD JOEY MARAGNO MW/101559 RE 11377 AND 11364 OC WARR. SEE 17-11881

Incident Date: 08/23/2017

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
3	B	P	13019 IMPERIAL HWY, WHI	96	7-11 (562 903 2295), NO VID EO	X-49K1 AS NEEDED
3	B	P	13019 IMPERIAL HWY, WHI	96	7-11 (562 903 2295), NO VID EO	C/ JENNY SHRESGTHA F/A 041680 ACCIDENTAL ACTIVATION. NO CRIME AT LOC
3	B	P	13019 IMPERIAL HWY, WHI	96	7-11 (562 903 2295), NO VID EO	

Incident Date: 09/18/2017

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
3	B	P	13019 IMPERIAL HWY, WHI 7-11	126	(562 903 2255)	ASSISTED AS NEEDED
3	B	P	13019 IMPERIAL HWY, WHI 7-11	126	(562 903 2255)	C/JENNY SHRESTHA FA/041680 RE 211S. ACCIDENTAL ACTIVATION ONLY

Incident Date: 10/04/2017

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
3	D	R	13019 IMPERIAL HWY, WHI	2	DET 1 C4	A/ BARAGLIA SARAH MEA FW 052076 RE WARRANT FOR 11350 HS WARRLC7BL067630

Incident Date: 10/09/2017

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
----------	----------	----------	-----------------	------------	----------------------	-----------------------

Regional Allocation of Police Services
Location Inquiry from 03/07/2017 To 03/07/2018

Incident Date: 10/09/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	15	FEMALE CUSTOMERS HAVING PROBLEMS WITH CLERK, REQ DEPS	C/ KHATRI DIPENDRA MA/041099, ALFONSO SANTAMARIA MH/091489, AND CONSUELO RODRIGUEZ FH/101181 RE 415B. NO EV OF CRIME, ALL PARTIES WILCO

Incident Date: 10/19/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	245	UNK PERSON STOLE INF'S PURSE FROM UNLOCKED VEH WHILE PRKD AT LOC, IWSK IN SILVER KIA SORRENTO AT LOC, IAD NFD.	
D	R	13019 IMPERIAL HWY, WHI "7-11"	245	UNK PERSON STOLE INF'S PURSE FROM UNLOCKED VEH WHILE PRKD AT LOC, IWSK IN SILVER KIA SORRENTO AT LOC, IAD NFD.	
D	R	13019 IMPERIAL HWY, WHI "7-11"	245	UNK PERSON STOLE INF'S PURSE FROM UNLOCKED VEH WHILE PRKD AT LOC, IWSK IN SILVER KIA SORRENTO AT LOC, IAD NFD.	SEE URN: 917 15138 0495 340 FOR FURTHER

Incident Date: 10/24/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11" X SHOEMAKER	31	INF STATES FRONT DOORS CHAINED/LOCKED FROM INSIDE, LIGHTS ON, NO CLERK VISIBLE. CONCERNED DUE TO STORE NEVER CLOSED AT THIS TIME.	CALL CANCELLED BY DESK PTA
D	R	13019 IMPERIAL HWY, WHI "7-11" X SHOEMAKER	31	INF STATES FRONT DOORS CHAINED/LOCKED FROM INSIDE, LIGHTS ON, NO CLERK VISIBLE. CONCERNED DUE TO STORE NEVER CLOSED AT THIS TIME.	

Incident Date: 10/27/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
----------	----------	-----------------	------------	----------------------	-----------------------

03/07/2018

Regional Allocation of Police Services
Location Inquiry from 03/07/2017 To 03/07/2018

Incident Date: 10/27/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	94	MH WRG BLU SHIRT/BLK PNT IS INSIDE OF LOC INF SAID DP HAS STOLE ITEM IN THE PAST FRM LOC, NFD	LOC CHKD CLR, DP UTL/GPA

Incident Date: 10/29/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	118	MH/20'S NO DESC INSIDE OF LOC BOTHERING CUSTOMERS, REFUSING TO LEAVE, NFD	

D	R	13019 IMPERIAL HWY, WHI "7-11"	118	MH/20'S NO DESC INSIDE OF LOC BOTHERING CUSTOMERS, REFUSING TO LEAVE, NFD	C/DEJH SINGH MO/A RE 415B.DP GPA UTL
---	---	--------------------------------	-----	--	--------------------------------------

Incident Date: 10/30/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	73	CA/6XPW451, PARKED AT PUMPS, WHI PD PSO STANDING BY W/VEH	SEE URN 17-15702-04 RE 503A

Incident Date: 11/05/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN" X SHOEMAKER	118	HOMELESS M,W WEARING BRN COLORED CLOTHING LOITERING IN AND OUT OF THE STORE.	10-22
D	R	13019 IMPERIAL HWY, WHI "7-11"	145	MW/ADULT WEARING BROWN CLOTHING. LOITERING AND REFUSING TO LEAVE WHEN ASKED.	LOC CHKD. DP WAS GPA/UTL

Incident Date: 11/07/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI 7-11	379	(C/B 562 903 2255)	ASSTD 48 AS NEEDED
B	P	13019 IMPERIAL HWY, WHI 7-11	379	(C/B 562 903 2255)	X-48 AS NEEDED

Regional Allocation of Police Services
Location Inquiry from 03/07/2017 To 03/07/2018

03/07/2018

Incident Date: 11/07/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI 7-11	379	(C/B 562 903 2255)	C/MIGUEL CORTEZ MH/090687 RE; 211S. STD ACCIDENTAL ACTIVATION ONLY. NO EV OF CRIME

Incident Date: 11/30/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI 7-11	87	(562 903 2255)	ASSTD AS NEEDED
B	P	13019 IMPERIAL HWY, WHI 7-11	87	(562 903 2255)	ACCIDENTAL ACTIVATION PER EMPLOYEE TRIPAATHEE BISHNU DOB 072085
B	P	13019 IMPERIAL HWY, WHI 7-11	87	(562 903 2255)	X 48K2 RE CONTAINMENT POSITION TO THE REAR
B	P	13019 IMPERIAL HWY, WHI 7-11	87	(562 903 2255)	ASSTD 48K1 AS NEEDED
B	P	13019 IMPERIAL HWY, WHI 7-11	87	(562 903 2255)	ASSTD AS NEEDED

Incident Date: 12/08/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	16	C/LAMAR RE:UNK PERSON TOOK BLU BACKPACK FROM MAROON SATURN PARKED IN FRONT OF LOC, OCC'D 30 AGO, NFD	C/LAMAR THOMAS MB/070587 RE: 488R. SEE RPT FOR FURTHER INFO: 17-17752-04
D	R	13019 IMPERIAL HWY, NWK X SHOEMAKER "7-11"	19	MALE ROBBED CLERK AT GUNPOINT, FTF//	DUPLICATE TAG 16

Incident Date: 12/22/2017

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	R	13019 IMPERIAL HWY, WHI "7-11" X SHOEMAKER AV	74	DP OUTSIDE OF STORE 390.REFUSING TO LEAVE.DP IS MH/45 WRNG BLU JACKET/BLU JEANS/BLK HAT, UNK IF WEAPONS, NFD.	C/ JESSICA SANCHEZ FH/ADULT, 7-11 EMPLOYEE. DP GPA UTL, INF WILL CALL BACK IF DP RETURNS, C4

Incident Date: 01/20/2018

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
----------	----------	-----------------	------------	----------------------	-----------------------

Regional Allocation of Police Services
Location Inquiry from 03/07/2017 To 03/07/2018

Incident Date: 01/20/2018

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI	17	2ND HAND FROM WHI PD//STORE CLERK CALLED SAID THERE WAS A PROBLEM AT LOC THEN DISCONNECTED	NICHOLAS MH/A STATED UNK PERSON P-TOOK MISC ITEMS W/O PAYING, NFD, NON-DESIROUS, W/A IF DP RET CALL STATION

Incident Date: 01/30/2018

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-11"	307	GEO:MB/20'S WRNG BLK HOODIE WHT PANTS WHT BB HAT TOOK 24 PACK OF BEER FROM ABOVE LOC, DP LEFT ON FOOT TWDS SHOEMAKER, IAD NFD	C/INF SALES ASSOCIATE KADRITDIPEN MO/010997 WAS NOT DESIROUS OF PROSECUTION RE 488

Incident Date: 02/15/2018

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	115	MH/40 WEARING BLK JACKET, BRN PANTS REFUSING TO LEAVE LOC, NFD. NO WEAPONS.	CALL HANDLED BY 49K2
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	115	MH/40 WEARING BLK JACKET, BRN PANTS REFUSING TO LEAVE LOC, NFD. NO WEAPONS.	ASSISTED AS NEEDED
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	115	MH/40 WEARING BLK JACKET, BRN PANTS REFUSING TO LEAVE LOC, NFD. NO WEAPONS.	ASSTD AS NEEDED
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	115	MH/40 WEARING BLK JACKET, BRN PANTS REFUSING TO LEAVE LOC, NFD. NO WEAPONS.	X/43K1 AS NEEDED
D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	115	MH/40 WEARING BLK JACKET, BRN PANTS REFUSING TO LEAVE LOC, NFD. NO WEAPONS.	C/DAVID FISHER MH/A. W/A RE LOITERING. HE LEFT LOC. WILCO

Incident Date: 02/24/2018

<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
B	P	13019 IMPERIAL HWY, WHI 7-11	71	(C/B 562 903 2255)	ASSIST 49K1 AS NEEDED
B	P	13019 IMPERIAL HWY, WHI 7-11	71	(C/B 562 903 2255)	ASSTD AS NEEDED

Incident Date: 02/24/2018

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
2	B	P	13019 IMPERIAL HWY, WHI 7-11	71	(C/B 562 903 2255)	C/BISHNU TRIPATHEE MA/072085 RE 211S. NO 211 ACCIDENTAL ACTIVATION ONLY

Incident Date: 02/25/2018

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
2	D	R	13019 IMPERIAL HWY, WHI "7-ELEVEN"	199	MALE IN A BLU NISSAN FELL ASLEEP NEAR GAS PUMP#10.	927C AREA. DP GPA UTL

Incident Date: 03/04/2018

<u>I</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>
2	D	R	13019 IMPERIAL HWY, WHT7-ELEVEN STORE	144	RE- TAG 95	RE-TAG 95 459VR, BANK CARD USED AT 7-11 STORE, FOLLOW UP RE-SURVEILLANCE, UNAVAILABLE DUE TOMNGR NOT ON DUTY

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MASTER QUERY
EVENT SUMMARY

URN	DATE	DAY	TIME	LOCATION	CHARGE
918-00473-0494-112	12/08/2017	FRI	1717-1722	13019 IMPERIAL HWY, WHITTIER	484(G)PC
917-17752-0494-384	12/08/2017	FRI	0130	13019 IMPERIAL HWY, WHITTIER	484(A)PC
917-15702-0494-733	10/30/2017-	MON-	0820-	13019 IMPERIAL HWY, WHITTIER	
917-15138-0495-340	10/19/2017	THU	1535-1545	13019 IMPERIAL HWY, WHITTIER	459PC
917-11881-0494-185	08/18/2017	FRI	1405	13019 IMPERIAL HWY, WHITTIER	11377(A)HS
917-08755-0492-383	06/18/2017	SUN	0130	13019 IMPERIAL HWY, WHITTIER	484(A)&490.2PC
917-07752-0494-032	05/29/2017	MON	2315	13019 IMPERIAL HWY, WHITTIER	664/211PC
917-04946-0454-442	12/26/2016	MON	1500-1520	13019 IMPERIAL HWY, WHITTIER	
917-03875-0494-255	03/14/2017	TUE	2046	13019 IMPERIAL HWY, WHITTIER	
917-01611-0495-340	01/31/2017-02/01/2017	TUE-WED	2110-0750	13019 IMPERIAL HWY, WHITTIER	459PC
917-01005-0494-383	01/21/2017	SAT	0455	13019 IMPERIAL HWY, WHITTIER	488PC
916-17156-0494-255	12/06/2016	TUE	0015	13019 IMPERIAL HWY, WHITTIER	12500(A)VC
016-16634-0494-151	11/24/2016	THU	1900	13019 IMPERIAL HWY, WHITTIER	25400(C)(1)PC 25850(C)(1)PC
916-15952-0494-261	11/11/2016	FRI	1653	13019 IMPERIAL HWY, WHITTIER	594(B)(2)(A)PC
916-09981-0494-607	07/19/2016	TUE	1232	13019 IMPERIAL HWY, WHITTIER	
916-09981-0494-607	07/19/2016	TUE	1230	13019 IMPERIAL HWY, WHITTIER	11364(A)HS 466PC
916-04077-0494-384	03/25/2016	FRI	0700	13019 IMPERIAL HWY, WHITTIER	488PC
915-11593-0494-255	09/02/2015	WED	1648	13019 IMPERIAL HWY, WHITTIER	
915-01160-0494-201	01/25/2015	SUN	1627	13019 IMPERIAL HWY, WHITTIER	647(F)PC
915-00900-0494-389	01/20/2015	TUE	1005	13019 IMPERIAL HWY, WHITTIER	484PC
914-03380-0494-383	03/10/2014	MON	2245	13019 IMPERIAL HWY, WHITTIER	484(A)PC

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MASTER QUERY
EVENT SUMMARY

URN	DATE	DAY	TIME	LOCATION	CHARGE
913-14410-0494-112	08/15/2013-08/20/2013	THU-TUE	0000	13019 IMPERIAL HWY , WHITTIER	484GPC
913-10129-0494-112	04/01/2013-04/29/2013	MON-MON	1320-0000	13019 IMPERIAL HWY , WHITTIER	484(G)PC

Report Criteria:

Event Query Fields

INCIDENT_DATE >= 03152013
INCIDENT_DATE_TO <= 03152018
EVT_ORI Begins With CA0190004
ADDR_NUM Begins With 13019
ADDR_STREET Begins With IMPERI

EXHIBIT J

*Previous
Findings and
Conditions –
CUP 02-014*



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

January 28, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Brett Hubinger
IDC
204 E. 17th St., #202
Costa Mesa, CA 92627

RE: **CONDITIONAL USE PERMIT CASE NO. 02-014-(1)**
To authorize the sale of beer and wine for off-site consumption at a new convenience store and gas station.

Dear Applicant:

PLEASE NOTE: This document contains the Planning Commission's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.** Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. Upon completion of the fifteen-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

Russell J. Fricano

Russell J. Fricano, Ph.D., AICP
Supervising Regional Planner
Zoning Permits Section

Attachments: Findings and Conditions, Affidavit
c: Board of Supervisors, Department of Public Works (E
Works (Subdivision Mapping), Zoning Enforcement
RJF:PH

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6443

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
02-014-01 PH Paul Hubinger	
Postage	1
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Registered Delivery Fee (Endorsement Required)	
To: Brett Hubinger	
IDC	
204 E. 17 th Street, #202	
Costa Mesa, Ca 92687	

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: November 13, 2002

SYNOPSIS:

The applicant is requesting a conditional use permit to authorize the sale of beer and wine for off-site consumption at a new 7-Eleven convenience store and gas station.

The case was referred by the Hearing Officer to the Regional Planning Commission to address community concerns expressed at the October 15, 2002 public hearing before the Hearing Officer.

PROCEEDINGS BEFORE THE COMMISSION:

November 13, 2002 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission. Commissioners Valadez, Bellamy and Rew were present. Six people testified in favor of the project, all representatives of the applicant. Four people testified in opposition to the project, representing approximately 80 community members present at the hearing.

To alleviate community concerns about security issues associated with the sale of beer and wine, the applicant's representatives offered additional conditions including limiting the hours of alcoholic beverage sales to 7am-12 midnight, prohibiting the sale of single cans, fortified wines and malts, and containers holding less than 750 milliliters, and providing additional lighting on the subject property and additional security cameras as requested by the Sheriff's Department. The applicant also requested several changes to the draft conditions of approval including limiting alcohol sales to 10% of floor space rather than 5% of shelf space, allowing 60 days to remove the existing billboard rather than 30 days, and increasing the term of the grant from 10 years to 15 years.

Representatives of various congregations that meet at the church neighboring the subject property testified that the congregations were not opposed to the proposed convenience store and gas station, but were opposed to the sale of alcohol on the subject property, due to concerns that the sale of beer and wine may lead to loitering and security problems.

There being no further testimony, the Commission closed the public hearing, indicated its intent to approve the conditional use permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval with modifications as discussed.

Findings:

1. The applicant is requesting a conditional use permit to authorize the sale of beer and wine for off-site consumption at a new "7-Eleven" convenience store and gas station.

2. The subject property is located on the northeast corner of Imperial Highway and Shoemaker Avenue, Whittier, in the Sunshine Acres zoned district.
3. The subject site, totaling approximately 29,355 sq. ft., is comprised of four lots. Access to the site is from Imperial Highway and Shoemaker Ave.
4. Zoning on the subject property is C-3-BE (Unlimited Commercial, Billboard Exclusion).
5. Pursuant to Section 22.28.210 of the Los Angeles County Code (Zoning Ordinance), a conditional use permit is required to authorize the concurrent sale of beer and wine with the sale of motor vehicle fuel in the C-3 zone, subject to the requirements of Sections 22.56.195 and 22.56.245. The conditions of approval will include all mandatory conditions required by Section 22.56.245.
6. Surrounding zoning consists of the following:
North – C-3-BE and A-1 (Light Agriculture)
South – City of Santa Fe Springs
East – C-3-BE; and
West – City of Santa Fe Springs.
7. The subject property is currently vacant with the exception of one existing billboard on the site which will be removed.
8. Surrounding land uses include the following:
North – Church;
South – Office complex;
East – Auto repair and sales; and
West – Restaurant and truck parking lot.
9. There are no previous zoning cases on the subject property.
10. The project site is classified "Major Commercial" in the Los Angeles County General Plan. Typical use patterns include central business districts, regional office complexes, major shopping malls and centers, major commercial recreational facilities and a range of mixed commercial retail and service activities. The proposed use is consistent with the General Plan's land use classification of the site.
11. The proposed use is also consistent with all applicable goals and policies of the Countywide General Plan, as follows:

Location

- The proposed use should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities.

- The proposed use should be located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns.

Design:

- Local commercial signs and graphic displays should generally be confined to the façade surface of the business establishment, and should not project above the roofline or disrupt the architectural design of the structure.
- Free-standing signs should generally be discouraged and permitted only where they are determined to be aesthetically and functionally appropriate.
- Off-site signs should be prohibited.

Located on the corner of the intersection between Imperial Highway and Shoemaker Avenue, the proposed use is easily accessible and does not invade or disrupt the existing residential neighborhood or conflict with established community land use, parking and circulation patterns. The conditions of approval will ensure that the proposed use complies with the applicable design standards.

12. The site plan depicts the one-story, 2,940 sq. ft. 7-Eleven convenience store on the northeast corner of the site. To the west and south of the building are twelve (12) standard parking spaces and one (1) handicapped accessible parking space. Further west of the store is a 3,600 sq. ft. canopy housing the 6 gasoline dispensers. There is one driveway on Imperial Highway and one on Shoemaker Avenue to provide access to the property.
13. The convenience store floor plan shows four main shelves for merchandise in the center of the store, a coffee island, and a beverage bar along the eastern wall of the store. A pre-fabricated, 10-door, 360 sq. ft. vault cooler lines the southern wall of the store. The display of alcoholic beverages will be confined to an area within the cooler.
14. Pursuant to Section 22.28.220, premises in the C-3 Zone must comply with the following development standards:

- No more than 90 percent of the net area shall be occupied by buildings.

The subject property is a large corner parcel (four lots), measuring 29,355 sq. ft. in area. The proposed project measures 6,540 sq. ft., including a 3,600 sq. ft. canopy for the gas pumps. About 22 percent of the subject site will be occupied by structures. The applicant's site plan complies with this requirement.

- A minimum of 10 percent of the net area shall be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition.

Almost 13 percent of the subject site is landscaped, the location of which is indicated on the site plan. The applicant's site plan complies with this requirement.

- Parking facilities shall be provided in accordance with Part 11, Chapter 22.52 of the County Code.

Section 22.52.1100 of the County Code requires one automobile parking space plus adequate access thereto for each 250 square feet of floor area of the commercially used buildings and structures on the site, thereby requiring a minimum of twelve (12) parking spaces, including one handicapped van-accessible parking space. The applicant's site plan complies with these requirements.

- Outside display is permitted for automobile service stations, limited to automobile accessories and facilities necessary to dispensing petroleum products only.

The conditions of approval will include this requirement.

- Outside storage is permitted on the rear of a lot or parcel of land in the C-3 zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than five feet nor more than six feet in height, except that the director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section.

According to the applicant's site plan, the only outside storage being proposed is a trash enclosure toward the back of the lot. This enclosure is in an appropriate location and will be further conditioned with respect to the surrounding wall or fence.

15. Section 22.40.110 of the County Code provides that premises in a BE (Billboard Exclusion) zone may be used for any use permitted in the basic zone, except outdoor advertising signs (billboards). The proposed project includes the removal of the existing billboard on the site.
16. Section 22.52.880 of the County Code allows a maximum of three square feet of wall sign area for each one linear foot of building frontage. Thus, 183 sq. ft. of sign space is allowed on the southern wall (facing Imperial Hwy) and 153 sq. ft. of sign space is allowed on the western wall (facing Shoemaker). The subject convenience store has one 7-Eleven sign on the southern wall and one on the western wall; each sign has 66 sq. ft. of sign area. In addition, the southern wall also has a 10.2 sq. ft. sign for an ATM. The wall signs for the proposed use of the convenience store are in compliance with the sign requirements.
17. Section 22.52.890 of the County Code allows a maximum of 150 square feet plus three-fourths square foot of sign area for each one foot of street or highway frontage in excess of 100 feet. Thus, 413 sq. ft. of sign space is allowed for a

freestanding sign. The subject gas station has one freestanding sign at the intersection of Imperial Highway and Shoemaker Ave. with 102 sq. ft. of sign area and another freestanding sign facing Imperial Highway with approximately 17 sq. ft. of sign area for a total of 119 sq. ft. of sign area. The freestanding signs for the proposed gas station are in compliance with the sign requirements.

18. There is a church on Shoemaker Avenue within 600 feet and to the rear of the subject property. In response to security concerns voiced at the public hearing, the applicant has voluntarily proposed several measures to avoid adverse impacts on the church including provision of additional security cameras, interior and exterior lighting, employee training, and limitation of alcohol display to ten percent of the total merchandising floor space. These and other mitigation measures required by the conditions of approval will limit any potential adverse impacts on adjacent properties. There are no other churches and no schools, parks, playgrounds or any similar uses within a 600-foot radius of the subject property.
19. There are single-family homes and apartment complexes in the immediate vicinity, to the north and northeast of the proposed project. The church acts as a buffer between the proposed project and the homes along Shoemaker to the north. The homes to the northeast, with access from Painter Avenue, are buffered from the proposed project by an existing auto repair facility.
20. The Department of Alcoholic Beverage Control (ABC) has reported that an undue concentration of alcoholic beverages sales licenses exists in the census tract where the subject site is located, since four licenses for off-site consumption are allowed and four exist with one pending. The location is also within a high crime-reporting district. However, within a 500-foot radius of the subject site, there are no other businesses selling beer and wine or alcoholic beverages for either on- or off-site consumption. Therefore, in accordance with Section 22.56.195 of the County Code and the criteria set forth therein, no undue concentration of similar premises exists.
21. The requested use is primarily a convenience store and gas station. Beer and wine sales will be limited to 5 percent of the total shelf space in the store, making the request for beer and wine sales ancillary to the primary convenience items and gas services. The immediate vicinity contains no similar uses, and there are no food stores within walking distance of the residences and growing office, manufacturing and warehouse facilities along Imperial Highway. Therefore, the proposed project will provide a needed community service and will not adversely affect the economic welfare of the community.
22. The proposed project and the exterior of the proposed structure will be consistent with the appearance of commercial structures in the immediate vicinity of the subject site. The area contains a mix of office and other commercial and manufacturing land uses.

22. The proposed project will improve the appearance of the subject property. During a site visit, staff found the subject property littered, covered with weeds, and vacant except for one billboard which will be removed. The proposed project will result in development of this unsightly vacant lot and removal of the existing billboard. It will not cause blight or deterioration, or impair property values within the neighborhood.
23. The convenience store and gas station will be in operation 24 hours a day, seven days a week. Alcoholic beverage sales will be limited to 7 a.m. to 12 midnight, seven days a week.
24. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study identified potentially significant cumulative effects of the project on traffic. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Commission, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Conditions or changes in the proposed project are necessary in order to assure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program. The applicant will be required to comply with all provisions in the Mitigation Monitoring Program, including a requirement that the applicant contribute a proportionate share of the cost for the following traffic improvements:
 - Street-widening on Imperial Highway;
 - Re-striping northbound Shoemaker Avenue at Imperial to accommodate the existing two left-turn lanes and one through lane, addition of one exclusive right-turn lane; and
 - Re-striping or possibly widening southbound Carmenita Road to accommodate the existing one left-turn lane and two through lanes and addition of exclusive right-turn lane.
25. The project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to Section 711.2 of the California Fish and Game Code.
26. No public comments were received prior to the public hearing. Approximately 80 people were present at the public hearing in opposition.

27. Since it is at the intersection of two major roads, the subject property is a good location for the convenience store and gas station, and provides a service for the local residents as well. A large percentage of customers will not require parking spaces because they are "parked" at the pumps. Therefore, the 12 on-site parking spaces are more than adequate for the development. In addition, with driveway access from both Imperial and Shoemaker, trucks will be able to unload for store deliveries and at the fuel storage tanks without turning around on site. This facilitates on-site circulation for all vehicles and prevents them from backing up onto either street.
28. The proposed use as conditioned is consistent with the local plan and zoning, and is compatible with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius;
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises;
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;

- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. After consideration of the Mitigated Negative Declaration together with any comments received during the public review process, the Regional Planning Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the project.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 02-014-(1) is **APPROVED** subject to the attached conditions.

VOTE:

Concurring: Commissioners Valadez, Helsley, Bellamy, Modugno, and Rew

Dissenting: None

Abstaining: None

Absent: None

Action Date: 1/22/03

1/23/03
RF:PH

1. This grant authorizes the use of the subject property for the sale of beer and wine for off-site consumption at a "7-Eleven" convenience store, concurrent with the sale of motor vehicle fuel, as depicted on the approved revised Exhibit "A" and subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant will terminate November 13, 2017. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time. The expiration of this grant shall not apply to the continued use of the subject convenience store and gas station without any beer or wine sales.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$2,700.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for biannual inspections for the first three years and annual inspections for the rest of the grant term, for a total of 18 inspections. If after the first three years the subject property is found to be in compliance with the conditions of the grant, inspections shall be continued on an annual basis. Otherwise, the biannual inspections will continue in three-year increments until the property is brought into compliance. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the

approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for review and approval three (3) copies of a revised Exhibit "A" (site plan) similar to that presented at the public hearing. The revised Exhibit "A" shall depict all required project changes and shall show the location of equipment used to provide free air and water for motor vehicles. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
14. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a landscape plan that depicts the size, type and location of all plants, trees and watering systems on the subject property. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, fertilizing and replacement of plants when necessary.
15. Within sixty (60) days of the approval date of this grant, all illegal signage and billboards shall be removed from the subject property. Any new or additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.
16. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
17. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
18. All structures, walls, and fences open to public view shall remain free of extraneous

markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
20. The permittee shall participate in an annual community graffiti removal program in cooperation with and to the mutual satisfaction of the permittee and the County of Los Angeles First Supervisorial District. Details of the program and the permittee's participation shall be provided to the Director for filing purposes;
21. The construction, operation and maintenance of a convenience store and gas station with the sale of beer and wine for off-site consumption shall be further subject to the following conditions:
 - a. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris;
 - b. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited;
 - a. Permitted commercial signs and graphic displays shall be confined to the facade surface of the convenience store building, and shall not project above the roofline or disrupt the architectural design of the building;
 - b. Outside display is permitted, but is limited to automobile accessories and facilities or items necessary to dispensing petroleum products only;
 - c. Temporary signs or banners advertising "specials" shall not be displayed on the exterior walls or fascia of the building;
 - d. Outdoor advertising signs (billboards) are prohibited;
 - e. Telephone numbers of the local law enforcement agency shall be posted in the store adjacent to the cashier's area;
 - f. No beer or wine shall be displayed within five feet of the cash register or front door or shall be visible from the front door;
 - g. The permittee shall not display advertisements of alcoholic beverages at

motor fuel islands;

- h. The permittee shall not display beer or wine advertisements at any location on the subject property, including at motor fuel islands and on the exterior walls or windows of the convenience store;
- i. Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space in the convenience store;
- j. No sale of alcoholic beverages shall be made from a drive-in window;
- k. No display or sale of beer or wine shall be made from an ice tub;
- l. The permittee shall not sell beer in less than six-pack quantities, and no fortified wines or malts shall be sold;
- m. There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold;
- n. Hours of operation for the convenience store and gas station shall be from 24 hours a day, seven days a week. Alcoholic beverages sales shall be permitted only from 7 a.m. to 12 midnight. Between the hours of 10:00 p.m. and midnight, employees on duty shall be at least 21 years of age in order to sell beer or wine;
- o. There shall be no loitering permitted on the premises under the control of the permittee. Signage prohibiting loitering shall be posted on the premises in English and in the predominant second language in the neighborhood;
- p. The permittee shall provide adequate lighting above the entrance of the store. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises. Additional lighting shall be installed outside of the convenience store to illuminate the store parking lot and the neighboring church parking lot;
- q. Security cameras shall be installed both inside and outside of the convenience store capable of monitoring the area between the subject store and the neighboring church building 24-hours a day;
- r. The permittee shall instruct and train all employees annually on the regulations prohibiting loitering and consumption of alcoholic beverages outside the store. Employees shall be instructed annually on security issues, and shall be required to enforce the subject conditions and call local law enforcement if necessary;

- s. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on the subject property;
- t. The permittee shall not allow any other coin-operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
- u. No outdoor payphones are permitted; any payphones shall be installed indoors and in an area of the subject store visible to the cashier;
- v. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon the request of any County Sheriff, Zoning Inspector, or ABC investigator. All employees of the subject convenience store and gas station shall be knowledgeable about the conditions contained herein;
- w. A minimum of 12 parking spaces shall be provided, including at least one (1) that is accessible to persons with disabilities;
- x. The trash enclosure shall be completely enclosed by a solid masonry wall and solid gate at least five feet but no more than six feet in height, except that the Director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section;
- y. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works (Traffic and Lighting Division) letter dated September 9, 2002;
- z. The permittee shall comply with all project changes and mitigation measures listed in the attached Project Changes/Conditions Due to Environmental Evaluation and Mitigation Monitoring Program;
- aa. To ensure the effectiveness of the mitigation measures set forth in the attached Mitigation Monitoring Program, the permittee shall submit mitigation monitoring reports to the Director. The reports shall describe the status of the permittee's compliance with the required mitigation measures. The reports shall be submitted and approved in the following sequence:
 - i. At the time of building permit issuance, reports shall be submitted that include verification and payment of applicable fees;
 - ii. Additional reports shall be submitted if required by the Director.

CONDITIONAL USE PERMIT CASE NO. 02-014-(1)
CONDITIONS

Page 7 of 7

Attachments

Mitigation Monitoring Program

Department of Public Works Letter dated September 9, 2002

RF:PH 1-16-03

PROJECT CHANGES/CONDITIONS
DUE TO ENVIRONMENTAL EVALUATION

PROJECT No. CUP 02-014

The Department of Regional Planning (DRP) staff has determined that the following conditions or changes in the project are necessary in order to assure that there will be no substantial evidence that the proposed project may have a significant effect on the environment.

The applicant shall deposit the sum of \$3,000 with the DRP within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports by a Mitigation Monitoring Program (MMP).

Traffic

The cumulative traffic generated by the project and other related projects will significantly impact LA County and County/City shared intersections. Prior to issuance of any building or grading permits, the project shall contribute its proportionate share of the cost for the following mitigation measures:

- **Bloomfield Avenue at Imperial Highway**
If feasible, the City of Santa Fe shall permit the widening of westbound Imperial Highway to accommodate the addition of one exclusive right-turn lane to existing one left-turn lane and three through lanes. This improvement might require right of way on the north side of Imperial Highway, within the boundaries of City of Santa Fe. Traffic signals shall be modified as necessary. The pro-rata share of the project payable to the City of Santa Fe (determined by LA County Public Works Traffic Design Section at the permit stage) will be 31 percent.
- **Shoemaker Avenue at Imperial Highway**
The northbound Shoemaker Avenue shall be re-stripped to accommodate the existing two left-turn lanes and one through lane, and addition of one exclusive right-turn lane. The pro-rata share of the project payable to the City of Santa Fe (determined by LA County Public Works Traffic Design Section at the permit stage) will be 31 percent.
- **Carmenita Road at Imperial Highway**
The southbound Carmenita Road shall be re-stripped (or possibly widened) to accommodate the existing one left-turn lane and two through lanes and addition of one exclusive right-turn lane. Traffic signals shall be modified as necessary. The pro-rata share of the project payable to LA County (determined by LA County Public Works Traffic Design Section at the permit stage) will be 17 percent.

Water Quality

The applicant shall comply with all pertinent NPDES requirements of the Regional Water Quality Control Board and the Los Angeles County Department of Public Works and acquire approval or waiver of NPDES permit from Regional Water Quality Board (RWQCB) and DPW. A copy of the permit shall be submitted to DRP Prior to issuance of grading permits

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as changed/conditioned.

Applicant

Date

No response with 10 days. Environmental Determination requires that these changes/conditions be included in the project.

Staff

Date



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 456-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE T-4

September 9, 2002

Mr. Brett Hubinger
Independent Development Company
204 East 17th Street, Suite 202
Costa Mesa, CA 92627

Dear Mr. Hubinger:

7-ELEVEN FACILITY NO. 33149
TRAFFIC STUDY (JULY, 2002)
CONDITIONAL USE PERMIT 02014
CITY OF SANTA FE SPRINGS AREA

We have reviewed the Traffic Study (TS) for the proposed 7-Eleven store to be located northeast of Shoemaker Avenue at Imperial Highway in the unincorporated County of Los Angeles area.

The proposed project consists of the development of a 2,940-square-foot 7-Eleven convenience store with gas station for 12 fueling stations. The project is estimated to generate approximately 2,486 vehicle trips daily, with 134 and 178 trips during the a.m. and p.m. peak hour, respectively.

We agree with the study that the project alone will not significantly impact any County or County/City shared intersections in the area; however, the cumulative traffic generated by the project and other related projects will significantly impact the following County and County/City shared intersections. The project shall contribute its proportionate share of the cost for the following mitigation measures:

Bloomfield Avenue at Imperial Highway

East Approach: One left-turn lane, three through lanes, and one exclusive right-turn lane (add one exclusive right-turn lane). This improvement will require widening and possibly right of way on the north side of Imperial Highway. The City of Santa Fe Springs shall be consulted to determine if this cumulative mitigation measure is feasible.

Land Dev.

Modify traffic signal as necessary.

The project's pro-rata share is 31 percent.

Shoemaker Avenue at Imperial Highway

East Approach: One left-turn lane, three through lanes, and one exclusive right-turn lane (add one exclusive right-turn lane). This improvement will require additional widening and/or right of way on the north side of Imperial Highway.

The project's pro-rata share is 31 percent.

Carmenita Road at Imperial Highway

North Approach: One left-turn lane, two through lanes, and one exclusive right-turn lane (add one exclusive right-turn lane).

Modify traffic signal as necessary.

The project's pro-rata share is 17 percent.

We have noted some text errors and discrepancies in the TS which shall be corrected:

- In the first paragraph, on page i, the driveways to the proposed project on Imperial Highway at Shoemaker Avenue are described as full-movement driveways. The driveways shall be described as right turn in and out only movement driveways.
- The seventh paragraph, on page i, shall mention that turning movements at both driveways to the proposed project site are limited to right-turn in and out only.

The traffic study shall be revised to reflect the above-mentioned corrections and submitted to Public Works and the Cities of Norwalk and Santa Fe Springs for review and comment on the project for any impacts and mitigations within their respective jurisdictions. All written comments from these agencies shall be forwarded to Public Works, Traffic and Lighting Division, and the Department of Regional Planning.

Mr. Brett Hubinger
September 9, 2002
Page 3

If you have any questions, please contact Mr. Nickolas VanGunst of our Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4768.

Very truly yours,

JAMES A. NOYES
Director of Public Works



JOHN T. WALKER
Assistant Deputy Director
Traffic and Lighting Division

NV:cn
EIR02161

cc: Department of Regional Planning (Nooshin Paider)

bc: T. M. Alexander
Land Development ✓
Watershed Management
Traffic and Lighting (Muñoz, White)

MITIGATION MONITORING PROGRAM
PROJECT No. CUP 02-014

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency/Party	Monitoring Agency or Party
<p>Traffic</p> <p>The cumulative traffic generated by the project and other related projects will significantly impact LA County and County/City shared intersections. The project shall contribute its proportionate share of the cost for the following mitigation measures:</p> <ul style="list-style-type: none"> • Bloomfield Avenue at Imperial Highway If feasible, the City of Santa Fe shall permit the widening of westbound Imperial Highway to accommodate the addition of one exclusive right-turn lane to existing one left-turn lane and three through lanes. This improvement might require right of way on the north side of Imperial Highway, within the boundaries of City of Santa Fe. Traffic signals shall be modified as necessary. The pro-rata share of the project payable to the City of Santa Fe (determined by LA County Public Works Traffic Design Section at the permit stage) will be 31 percent. • Shoemaker Avenue at Imperial Highway The northbound Shoemaker Avenue shall be re-striped to accommodate the existing two left-turn lanes and one through lane, and addition of one exclusive right-turn lane. The pro-rata share of the project payable to the City of Santa Fe (determined by LA County Public Works Traffic Design Section at the permit stage) will be 31 percent. • Carmenita Road at Imperial Highway The southbound Carmenita Road shall be re-striped (or possibly widened) to 	Consult with the City of Santa Fe to determine feasibility of such mitigation measures.	Prior to issuance of any building or grading permits, whichever occurs primarily.	Applicant	Public Works

MITIGATION MONITORING PROGRAM
PROJECT No. CUP 02-014

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency/Party	Monitoring Agency or Party
accommodate the existing one left-turn lane and two through lanes and addition of one exclusive right-turn lane. Traffic signals shall be modified as necessary. The pro-rata share of the project payable to LA County (determined by LA County Public Works Traffic Design Section at the permit stage) will be 17 percent.				
Water Quality The applicant shall comply with all pertinent NPDES requirements of the Regional Water Quality Control Board and the Los Angeles County Department of Public Works.	Approval or waiver of NPDES permit from RWQCB and DPW. A copy of the permit to be submitted to DRP	Prior to issuance of any building or grading permits, whichever occurs primarily.	Applicant	RWQCB Public Works Regional Planning

EXHIBIT K

Appeal of
Hearing
Officer's
Approval



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

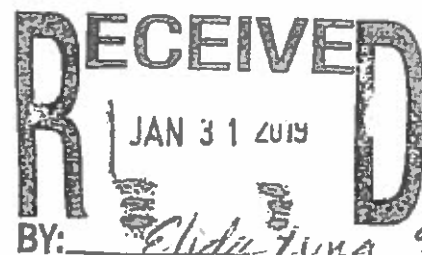


Amy J. Bodek, AICP
Director

REGIONAL PLANNING COMMISSION
APPEAL FORM

DATE: January 31, 2019

TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012



STAFF

Mitch Glaser
Maria Masis
Carl Nadela
Elaine Lemke

FROM: 7-Eleven, Inc. c/o Jennifer Oden
Name

SUBJECT: Project Number(s): 2018-000464-(4)
Case Number(s): CUP No. RPPL2018000728
Case Planner: Carl Nadela
Address: 13019 Imperial Highway, Whittier, CA 90605
Assessors Parcel Number: 8026-038-017/18/19/20
Zoned District: Norwalk Zoned District

Entitlement Requested:

The permittee, 7-Eleven, Inc. ("permittee"), requests the CUP to authorize the continued sale of beer and wine for off-site consumption at an existing convenience store in conjunction with a gas station ("Project") on a property located at 13019 Imperial Hwy in the unincorporated community of South Whittier-Sunshine Acres in the Norwalk Zoned District ("Project Site") in the C-3-BE (Unlimited Commercial, Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.

Related Zoning Matters:

Tentative Tract/Parcel Map No.	Tract No. 9779 Lots 35-38
CUP, VAR or Oak Tree No.	CUP No. 02-014 (Previous Entitlement)
Change of Zone Case No.	N/A
Other	N/A

I am appealing the decision of (check one and fill in the underlying information):

☐ Director

☒ Hearing Officer

Decision
Date: _____

Public Hearing Date: _____

January 22, 2019

Hearing Officer's

Name: _____

Mark Herwick

Agenda Item Number: _____

Item No. 9

The following decision is being appealed (check all that apply):

☐ The Denial of this request

☐ The Approval of this request

☒ The following conditions of approval:

Condition No. 33 ("This grant authorizes the sale of beer and wine from 10:00 a.m. to 10:00 p.m., daily.")
List conditions here _____

The reason for this appeal is as follows:

See "Attachment A."

Are you the applicant for the subject case(s) (check one)? ☒ YES ☐ NO

Submitted herewith is a check or money order for the amount due, as indicated on the Fee Schedule on the Los Angeles County Department of Regional Planning's website.

Appellant (Signature) _____

Jennifer Oden, on behalf of 7-Eleven, Inc. (Appellant)

Print Name

426 Culver Blvd, Playa del Rey, CA 90293

Address

310-822-9848

Day Time Telephone No.

*Fee subject to change.

Appeal for CUP Case No. RPPL2018000728 Attachment A

On November 13, 2002, the Los Angeles Regional Planning Commission (hereinafter "the RPC") approved Conditional Use Permit No. 02-014-(1) (hereinafter "the CUP"). The CUP, issued to 7-Eleven, Inc. (hereinafter "7-Eleven"), permitted the sale of beer and wine for off-site consumption between the hours of 7 a.m. and 12 a.m. [midnight] at 7-Eleven's convenience store and gas station located at 13019 Imperial Highway in unincorporated Whittier.¹ (See CUP No. 02-014-(1), Condition No. 21(n), for reference).

Recently, and after approximately fifteen years of continuous operations, 7-Eleven applied to renew its CUP.² On January 22, 2019, 7-Eleven's CUP renewal was heard before Hearing Officer Mark Herwick. After consideration, the Hearing Officer approved 7-Eleven's renewed CUP but also imposed a new condition restricting the hours within which sales of beer and wine at 7-Eleven's convenience store and gas station are permitted. Specifically, the Hearing Officer improperly restricted the hours within which beer and wine can be sold from 10 a.m. to 10 p.m. (CUP No. RPPL2018000728, Condition No. 33).

Condition No. 33 is improper and must be deleted. First, there is no nexus between the factual findings made by the Hearing Officer and the new restriction on the hours within which the sale of beer and wine is allowed; as a result, Condition No. 33 is not supported by substantial evidence.³ Nowhere in the entire file (including, but not limited to, the CUP renewal application, Staff Report, correspondence related to this renewal, testimony at the time of the public hearing, and the CUP itself) is there any basis provided to justify a restriction of beer and wine sales at this 7-Eleven from 10 a.m. to 10 p.m., daily. Further, there is no opposition to this CUP renewal. In fact, as part of the CUP renewal application, 7-Eleven, through its attorney, reached out to the Los Angeles County Sheriff's Department as well as Supervisor's Hahn's Office to discuss the renewal. Both were supportive of the renewal effort, and did not voice any concerns regarding 7-Eleven's CUP.

Second, Condition No. 33 is part of an impermissible policy that unfairly and solely targets convenience stores with concurrent gas sales without justification and such policy is preempted by California state law, as the California Constitution grants the California Department of Alcoholic Beverage Control ("ABC") the exclusive right to regulate the sale of alcohol.⁴ Notably, 7-Eleven's ABC license does not contain any restrictions on the hours during which 7-Eleven may sell beer and wine.

In sum, for the reasons contained herein and those asserted at the time of the public hearing, 7-Eleven objects to the imposition of Condition No. 33 and respectfully requests that it be deleted.

¹ The full address of the site covered by the CUP is 13019 Imperial Highway, Whittier, CA 90605.

² The CUP renewal application was submitted in the spirit of cooperation and to comply with current CUP language; however, the Applicant does not waive its intention that CUPs run with land and therefore by law do not expire.

³ Conditions on alcohol CUPs are extensions of a city or county's police power; specifically, they may be imposed to "abate or eradicate nuisance activities" and must be "aimed at mitigating those [nuisance] effects." *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1993) 23 Cal.App.4th 376. Thus, there is a requirement that there be some nexus between the factual findings made and the conditions imposed. Such a nexus only exists when there is substantial evidence in the record demonstrating a reasonable relationship between the deleterious public impacts of the proposed project and conditions. *San Remo Hotel v. City & County of San Francisco* (2002) 27 Cal.4th 643, 670.

⁴ Article XX, section 22 of the California Constitution grants the ABC the "exclusive power" to license and regulate the sale of alcohol, and therefore, any local ordinance or law which attempts to directly control the hours in which alcohol may be sold is preempted. See *People v. Schlimgach* (2011) 193 Cal.App.4th 1132, 1146; see also *California Restaurant Ass'n v. City of Los Angeles* (1987) 192 Cal.App.3d 405; *Ainsworth v. Bryant* (1949) 34 Cal.2d 465.

Payment Receipt

Receipt #: TRC-003186-31-01-2019

Paid On: 01/31/2019

Paid By:

Spivey, Jenna
3824 Motor Avenue
Culver City, CA 90232



Department of Regional Planning
Amy J. Bodek, AICP, Director

320 W Temple Street
Los Angeles, CA 90012

(213) 974-6411

<http://planning.lacounty.gov>

Received By:
Armench Arakilians

Printed On:
1/31/2019

Project Number - Case Number Fee Name	Fee Amount	Payment Method	Reference No.	Paid Amount
2018-000464 - RPPL2018000728 Appeal - RPC - Applicant - 1 or 2 Conditions	\$798.00	Credit Card	3749041255	\$798.00
	\$798.00		Total	\$798.00



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

January 22, 2019

7-Eleven, Inc.
c/o Solomon, Saltsman and Jamieson
Attention: Jennifer Oden
426 Culver Blvd
Playa del Rey, CA 90293

Dear Ms. Oden:

PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728
13019 IMPERIAL HIGHWAY, WHITTIER, CA 90605 (8026-038-017/18/19/20)

Hearing Officer Mark Herwick, by his action of **January 22, 2019**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **February 5, 2019**. Appeals must be delivered in person.

Appeals:

To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

Ms. Jennifer Oden
January 22, 2019
Page 2

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Carl Nadela of the Zoning Permits East Section at (213) 974-6435, or cnadela@planning.lacounty.gov.

Sincerely,

Amy J. Bodek, AICP
Director


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

MM:CN

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety)
Zoning Enforcement

CP_DATE_FILENAME

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on January 22, 2019, in the matter of Project No. 2018-000464-(4), Conditional Use Permit (CUP) No. RPPL2018000728 ("CUP").
2. **ENTITLEMENT(S) REQUESTED.** The permittee, 7-Eleven, Inc. ("permittee"), requests the CUP to authorize the continued sale of beer and wine for off-site consumption at an existing convenience store in conjunction with a gas station ("Project") on a property located at 13019 Imperial Highway in the unincorporated community of South Whittier-Sunshine Acres in the Norwalk Zoned District ("Project Site") in the C-3-BE (Unlimited Commercial, Billboard Exclusion) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. **PREVIOUS ENTITLEMENT(S).** Conditional Use Permit No. 02-014 authorized the sale of beer and wine for off-site consumption at a new convenience store and gas station.
4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Los Angeles County General Plan ("General Plan") Land Use Policy Map.
5. **ZONING.** The Project Site is located in the Norwalk Zoned District and is currently zoned C-3-BE. Pursuant to County Code section 22.28.210, a CUP is required for sale of beer and wine for off-site consumption at the site.
6. **PROJECT AND SITE PLAN DESCRIPTION.**
 - A. **Existing Site Conditions**

The Project Site is 8,726 square feet gross area (8, 510 square feet net area) in size and consists of one legal lot. The Project Site is mostly rectangular in shape with a flat topography and is developed with convenience store and gas station.
 - B. **Site Access**

The Project Site is accessible via Imperial Highway to the south and Shoemaker Avenue to the west. Primary access to the Project Site is via an entrance/exit on Imperial Highway. Secondary access to the Project Site is via an entrance/exit on Shoemaker Avenue.

C. Site Plan

The Site Plan indicates the entire Project Site, which is a mostly rectangular parcel with a flat topography located at the northeast corner of the intersection of Imperial Highway and Shoemaker Avenue. The site is developed with an existing gas station and convenience store. The convenience store is located on the northeast portion of the property while the gas pumps and canopy are located on the southwest portion. Twelve parking spaces are located around the convenience store. The Site Plan also shows two ingress and egress driveways along Imperial Highway on the south and Shoemaker Avenue on the west. The Site Plan also shows the landscaping installed at the site.

D. Parking

Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store.

7. PUBLIC COMMENTS.

Staff has not received any comments at the time of report preparation.

8. AGENCY RECOMMENDATIONS.

Los Angeles County Sheriff's Department, Norwalk Station: Recommended approval in a letter dated March 15, 2018.

9. CEQA DETERMINATION.

Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station, with negligible or no expansion of use beyond that which was previously existing

GENERAL PLAN CONSISTENCY FINDINGS

10. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan because the CG is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single family and multi-family residences; and residential and commercial mixed uses, categories into which this Project falls. The Hearing Officer further finds that the Project promotes vibrant, livable and healthy communities with a mix of land uses, services and amenities and encourages a diversity of commercial and retail

services, and public facilities at various scales to meet regional and local needs while reducing and mitigating the impacts on the surrounding areas.

11. GOALS AND POLICIES CONSISTENCY FINDINGS.

The Hearing Officer finds that the Project is consistent with the Goals and Policies of the General Plan, including:

- *Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.*

A variety of commercial uses have been established at the intersection of Imperial Highway and Shoemaker Avenue, which are both heavily travelled transportation corridors. The existing gas station and convenience store contributes to the mix of community-serving uses in the area, and is, thus, consistent with this General Plan goal and policy;

and

- *Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing gas station and convenience store have been at the site for 15 years and are consistent with the surrounding commercial and institutional uses. However, while most of the parcels surrounding the site have been developed with various commercial and industrial uses, the neighborhood towards the northeast is still predominantly single-family residential. Thus, it is important to preserve this character and ensure that the commercial uses that locate around this area do not have significant adverse impact on the residential neighborhood. To address this, conditions have been added to the CUP to ensure that the sale of beer and wine at the site remains an accessory to the primary use at the site, which is a gas station with a convenience store. Thus, beer and wine display will be limited to only 5% of the total shelf space of the store. Also, to ensure that alcohol is not sold at the site in the early mornings and late nights, staff is proposing to limit the sale of alcohol at the site to the hours of 10:00 am to 10:00 pm only. With these conditions in place, the project is not expected to result in any adverse effects on the surrounding areas.

ZONING CODE CONSISTENCY FINDINGS

12. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-3 zoning classification as the sale of beer and wine for off-site consumption is permitted in such zone with a CUP pursuant to County Code section 22.28.210.
13. **LANDSCAPING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code section 22.28.220.A.
14. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code section 22.28.220.B.
15. **OUTSIDE DISPLAY.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code section 22.28.220.C.

CONDITIONAL USE PERMIT FINDINGS

16. The Hearing Officer finds that the existing use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The existing gas station and convenience store have been at the site for 15 years and are consistent with the surrounding commercial, industrial and institutional uses. The sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Pursuant to this, beer and wine display at the site will be limited to only 5% of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on the surrounding areas.
17. The Hearing Officer finds that the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project Site is 8,726 square feet in gross area (8,510 square feet net area) in size and mostly rectangular in shape. It is adequate to accommodate the required development standards. Twelve parking spaces are provided at the site which complies with the parking requirements for the 2,940-square foot convenience store. Approximately 13% of the total lot area is landscaped, which is in compliance with the required 10% for the site.
18. The Hearing Officer finds that the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private

service facilities as are required. The Project Site has access to Imperial Highway and Shoemaker Avenue, both major roadways, and is adequately served by these.

19. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.

SUPPLEMENTAL FINDINGS

20. The Hearing Officer finds that the requested use at the existing location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. There is only one sensitive use (Jehovah's Witness church) located within 600 feet of the Project Site. This is sufficiently buffered by a 6-foot concrete wall and landscaping. Also, the sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Pursuant to this, beer and wine display at the site will be limited to only 5% of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on this sensitive use.
21. The Hearing Officer finds that the requested use at the existing location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area. There is a residential area to the northeast of the Project Site. This is also sufficiently buffered by a 6-foot block wall surrounding the subject parcel. Also, the sale of beer and wine at the site is only an accessory to the primary use of a gas station with a convenience store at the site. Pursuant to this, beer and wine display at the site will be limited to only 5% of the total shelf space of the store and beer and wine sales shall be limited to 10:00 am to 10:00 pm only. With these restrictions, the Project is not expected to result in any adverse effects on the surrounding residential areas.
22. The Hearing Officer finds that the requested use at the existing location will not adversely affect the economic welfare of the nearby community. The existing convenience store and gas station is compatible with the other commercial and industrial uses in the vicinity of the site and will be a positive contributor to the general economic activity in the area.
23. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood. The existing gas station and convenience store has been at the site for 15 years and is consistent with the surrounding commercial, industrial and institutional uses. No changes are being existing to the exterior of the existing structure.

24. The Hearing Officer finds that even though the existing sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is existing within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity. There are no other establishments selling alcohol within a 500-foot radius of the site and there is no over concentration of alcohol sales in the census tract as determined by ABC. However, the site is located within a High Crime Reporting District, as determined by ABC. In consideration of the fact that the establishment has been selling beer and wine at the site for over 15 years and that their customers may have already gotten used to purchasing beer and wine there, and in light of the restrictions that are being imposed by the CUP, the public convenience of allowing the customers of the convenience store to continue purchasing beer and wine together with their other purchases at the site may be considered to allow the continued sale of beer and wine at the site.

ENVIRONMENTAL FINDINGS

25. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project is for the continuation of the sale of beer and wine for off-site consumption at an existing convenience store at an existing gas station. No changes are being proposed to the existing structure at the site.

ADMINISTRATIVE FINDINGS

26. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on January 22, 2019 before the Hearing Officer. Staff presented his analysis and recommendations. The applicant and the applicant's representative, as well as several other speakers, were present and provided testimony in favor of the project. The applicant indicated that they agreed with staff's recommended conditions except one, which was the restriction on the permitted hours for the sale of alcohol at the site. The applicant requested for 6:00 am to 2:00 am, consistent with state law, or at the very least, from 7:00 am to 12 midnight as was approved in their previous CUP. The Hearing Officer indicated that the CUP request before him was not a "renewal" and that the requested use was now subject to current regulations since the previous CUP has expired. The Hearing Officer noted that the County is taking a hard look at alcohol sales and ensuring that these do not adversely affects the surrounding communities. With that, the Hearing Officer closed the public hearing, found that the project was Categorical Exempt pursuant to state and local CEQA guidelines and approved the CUP with the permitted hours for beer and wine sales limited to 10:00 to 10:00 pm.

27. LEGAL NOTIFICATION. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, and newspaper (La Opinion and Whittier Daily News). Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Norwalk Library. On 12/19/2018, a total of 42 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Norwalk Zoned District and to any additional interested parties.

28. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The existing use with the attached conditions will be consistent with the adopted General Plan.
- B. The existing use with the attached conditions at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The existing use with the attached conditions at the site will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The existing use with the attached conditions at the site is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

- G. With the imposition of a number of conditions, the public convenience for the store selling alcoholic beverages for off-site consumption outweighs the fact that it is located in a High Crime Reporting District as determined by ABC.
- H. The existing use with the attached conditions at the site will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities) categorical exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2018000728**, subject to the attached conditions.

ACTION DATE: January 22, 2019

MM:CN

1/14/19

c: Hearing Officer, Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2018-000464-(4)
CONDITIONAL USE PERMIT NO. RPPL2018000728**

PROJECT DESCRIPTION

The project is a conditional use permit to authorize the continued sale of beer and wine for off-site consumption at an existing convenience market in conjunction with an existing gasoline station, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on January 22, 2034.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30)-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to

cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works (DPW) to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control. All litter and trash shall be collected regularly from the premises and the adjoining right-of-way.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information

about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required because of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee. All lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours.
21. All lighting shall be designed to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. No light shall illuminate adjacent private residences. Neon lighting shall be prohibited.
22. Beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
23. There shall be no wine, except for wine coolers, sold in containers of less than 750 milliliters. Wine coolers shall not be sold in less than four-pack quantities.
24. No miniatures of any type may be sold.

25. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises. The total shelf space devoted to alcoholic beverages shall be limited to no more than five percent of the total shelf space of the convenience store.
26. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises. The permittee shall instruct all employees regarding these restrictions. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
28. The permittee, and all managers and designated employees of the establishment who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control or an equivalent program such as SafeServe. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
29. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
30. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
31. The licensed premises shall have no amusement rides or games or other similar activities, whether coin-operated or not, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines.

PROJECT SITE-SPECIFIC CONDITIONS

32. This grant shall authorize the sale of beer and wine for off-site consumption at an existing convenience store in conjunction with an existing gasoline station.

33. This grant authorizes the sale of beer and wine from 10:00 a.m. to 10:00 p.m. daily.
34. Beer and wine items shall be stored in lockable coolers, which shall be kept locked except for the hours when alcohol sales are approved by this CUP.
35. Security cameras shall be installed inside the convenience store and outside facing the parking lot. Video footage shall be retained for at least one month and shall be made available to law enforcement upon request.
36. Security alarms shall be installed inside the store.
37. There shall be no outdoor sales, storage, or displays of merchandise except for that directly related to automobile accessories and facilities necessary for dispensing petroleum products.
38. No sexually explicit reading material shall be on display or sold on the premises.
39. No beer or wine advertisements shall be displayed at any location on the subject property, including at motor fuel islands and on the exterior walls or windows of the convenience store.
40. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
41. Wall signs and graphic displays must be confined to the façade surface of the building and the pump island canopy, and should not project above the roofline or disrupt the architectural design of the building; such signage shall conform to the requirements of the Los Angeles County Code.
42. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage.
43. Outdoor advertising signs (billboards) are prohibited.
44. Outside storage of trash shall be within an approved trash enclosure.
45. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
46. No sales to any person appearing to be or actually being intoxicated shall be allowed.
47. Deliveries shall be limited to non-peak hours, generally between 9 a.m. and 6 p.m.
48. All commercial vehicle delivery trucks must use commercial streets and/or designated truck routes for deliveries.

49. A numbering address sign shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Department of Regional Planning.
50. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
51. No alcoholic beverages shall be displayed within five feet of the cash register or the front door.
52. The permittee shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:
 - a. Within ten (10) feet of the front door;
 - b. Within five feet of a cash register;
 - c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
 - d. On an end cap of an aisle; or
 - e. Within a display area dedicated to produce that is easily accessible to customers.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

January 28, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Brett Hubinger
IDC
204 E. 17th St., #202
Costa Mesa, CA 92627

RE: CONDITIONAL USE PERMIT CASE NO. 02-014-(1)
To authorize the sale of beer and wine for off-site consumption at a new convenience store and gas station.

Dear Applicant:

PLEASE NOTE: This document contains the Planning Commission's findings and order and conditions relating to APPROVAL of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.** Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or ANY OTHER INTERESTED PERSON may APPEAL the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. Upon completion of the fifteen-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

Russell J. Fricano, Ph.D., AICP
Supervising Regional Planner
Zoning Permits Section

Attachments: Findings and Conditions, Affidavit

c: Board of Supervisors, Department of Public Works (Building and Safety), Department of Public Works (Subdivision Mapping), Zoning Enforcement
RJF:PH

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: November 13, 2002

SYNOPSIS:

The applicant is requesting a conditional use permit to authorize the sale of beer and wine for off-site consumption at a new 7-Eleven convenience store and gas station.

The case was referred by the Hearing Officer to the Regional Planning Commission to address community concerns expressed at the October 15, 2002 public hearing before the Hearing Officer.

PROCEEDINGS BEFORE THE COMMISSION:

November 13, 2002 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission. Commissioners Valadez, Bellamy and Rew were present. Six people testified in favor of the project, all representatives of the applicant. Four people testified in opposition to the project, representing approximately 80 community members present at the hearing.

To alleviate community concerns about security issues associated with the sale of beer and wine, the applicant's representatives offered additional conditions including limiting the hours of alcoholic beverage sales to 7am-12 midnight, prohibiting the sale of single cans, fortified wines and malts, and containers holding less than 750 milliliters, and providing additional lighting on the subject property and additional security cameras as requested by the Sheriff's Department. The applicant also requested several changes to the draft conditions of approval including limiting alcohol sales to 10% of floor space rather than 5% of shelf space, allowing 60 days to remove the existing billboard rather than 30 days, and increasing the term of the grant from 10 years to 15 years.

Representatives of various congregations that meet at the church neighboring the subject property testified that the congregations were not opposed to the proposed convenience store and gas station, but were opposed to the sale of alcohol on the subject property, due to concerns that the sale of beer and wine may lead to loitering and security problems.

There being no further testimony, the Commission closed the public hearing, indicated its intent to approve the conditional use permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval with modifications as discussed.

Findings:

1. The applicant is requesting a conditional use permit to authorize the sale of beer and wine for off-site consumption at a new "7-Eleven" convenience store and gas station.

2. The subject property is located on the northeast corner of Imperial Highway and Shoemaker Avenue, Whittier, in the Sunshine Acres zoned district.
3. The subject site, totaling approximately 29,355 sq. ft., is comprised of four lots. Access to the site is from Imperial Highway and Shoemaker Ave.
4. Zoning on the subject property is C-3-BE (Unlimited Commercial, Billboard Exclusion).
5. Pursuant to Section 22.28.210 of the Los Angeles County Code (Zoning Ordinance), a conditional use permit is required to authorize the concurrent sale of beer and wine with the sale of motor vehicle fuel in the C-3 zone, subject to the requirements of Sections 22.56.195 and 22.56.245. The conditions of approval will include all mandatory conditions required by Section 22.56.245.
6. Surrounding zoning consists of the following:
North – C-3-BE and A-1 (Light Agriculture)
South – City of Santa Fe Springs
East – C-3-BE; and
West – City of Santa Fe Springs.
7. The subject property is currently vacant with the exception of one existing billboard on the site which will be removed.
8. Surrounding land uses include the following:
North – Church;
South – Office complex;
East – Auto repair and sales; and
West – Restaurant and truck parking lot.
9. There are no previous zoning cases on the subject property.
10. The project site is classified "Major Commercial" in the Los Angeles County General Plan. Typical use patterns include central business districts, regional office complexes, major shopping malls and centers, major commercial recreational facilities and a range of mixed commercial retail and service activities. The proposed use is consistent with the General Plan's land use classification of the site.
11. The proposed use is also consistent with all applicable goals and policies of the Countywide General Plan, as follows:

Location

- The proposed use should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities.

- The proposed use should be located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns.

Design:

- Local commercial signs and graphic displays should generally be confined to the façade surface of the business establishment, and should not project above the roofline or disrupt the architectural design of the structure.
- Free-standing signs should generally be discouraged and permitted only where they are determined to be aesthetically and functionally appropriate.
- Off-site signs should be prohibited.

Located on the corner of the intersection between Imperial Highway and Shoemaker Avenue, the proposed use is easily accessible and does not invade or disrupt the existing residential neighborhood or conflict with established community land use, parking and circulation patterns. The conditions of approval will ensure that the proposed use complies with the applicable design standards.

12. The site plan depicts the one-story, 2,940 sq. ft. 7-Eleven convenience store on the northeast corner of the site. To the west and south of the building are twelve (12) standard parking spaces and one (1) handicapped accessible parking space. Further west of the store is a 3,600 sq. ft. canopy housing the 6 gasoline dispensers. There is one driveway on Imperial Highway and one on Shoemaker Avenue to provide access to the property.
13. The convenience store floor plan shows four main shelves for merchandise in the center of the store, a coffee island, and a beverage bar along the eastern wall of the store. A pre-fabricated, 10-door, 360 sq. ft. vault cooler lines the southern wall of the store. The display of alcoholic beverages will be confined to an area within the cooler.
14. Pursuant to Section 22.28.220, premises in the C-3 Zone must comply with the following development standards:

- No more than 90 percent of the net area shall be occupied by buildings.

The subject property is a large corner parcel (four lots), measuring 29,355 sq. ft. in area. The proposed project measures 6,540 sq. ft., including a 3,600 sq. ft. canopy for the gas pumps. About 22 percent of the subject site will be occupied by structures. The applicant's site plan complies with this requirement.

- A minimum of 10 percent of the net area shall be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition.

Almost 13 percent of the subject site is landscaped, the location of which is indicated on the site plan. The applicant's site plan complies with this requirement.

- Parking facilities shall be provided in accordance with Part 11, Chapter 22.52 of the County Code.

Section 22.52.1100 of the County Code requires one automobile parking space plus adequate access thereto for each 250 square feet of floor area of the commercially used buildings and structures on the site, thereby requiring a minimum of twelve (12) parking spaces, including one handicapped van-accessible parking space. The applicant's site plan complies with these requirements.

- Outside display is permitted for automobile service stations, limited to automobile accessories and facilities necessary to dispensing petroleum products only.

The conditions of approval will include this requirement.

- Outside storage is permitted on the rear of a lot or parcel of land in the C-3 zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided no storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. Any outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate, not less than five feet nor more than six feet in height, except that the director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section.

According to the applicant's site plan, the only outside storage being proposed is a trash enclosure toward the back of the lot. This enclosure is in an appropriate location and will be further conditioned with respect to the surrounding wall or fence.

15. Section 22.40.110 of the County Code provides that premises in a BE (Billboard Exclusion) zone may be used for any use permitted in the basic zone, except outdoor advertising signs (billboards). The proposed project includes the removal of the existing billboard on the site.
16. Section 22.52.880 of the County Code allows a maximum of three square feet of wall sign area for each one linear foot of building frontage. Thus, 183 sq. ft. of sign space is allowed on the southern wall (facing Imperial Hwy) and 153 sq. ft. of sign space is allowed on the western wall (facing Shoemaker). The subject convenience store has one 7-Eleven sign on the southern wall and one on the western wall; each sign has 66 sq. ft. of sign area. In addition, the southern wall also has a 10.2 sq. ft. sign for an ATM. The wall signs for the proposed use of the convenience store are in compliance with the sign requirements.
17. Section 22.52.890 of the County Code allows a maximum of 150 square feet plus three-fourths square foot of sign area for each one foot of street or highway frontage in excess of 100 feet. Thus, 413 sq. ft. of sign space is allowed for a

freestanding sign. The subject gas station has one freestanding sign at the intersection of Imperial Highway and Shoemaker Ave. with 102 sq. ft. of sign area and another freestanding sign facing Imperial Highway with approximately 17 sq. ft. of sign area for a total of 119 sq. ft. of sign area. The freestanding signs for the proposed gas station are in compliance with the sign requirements.

18. There is a church on Shoemaker Avenue within 600 feet and to the rear of the subject property. In response to security concerns voiced at the public hearing, the applicant has voluntarily proposed several measures to avoid adverse impacts on the church including provision of additional security cameras, interior and exterior lighting, employee training, and limitation of alcohol display to ten percent of the total merchandising floor space. These and other mitigation measures required by the conditions of approval will limit any potential adverse impacts on adjacent properties. There are no other churches and no schools, parks, playgrounds or any similar uses within a 600-foot radius of the subject property.
19. There are single-family homes and apartment complexes in the immediate vicinity, to the north and northeast of the proposed project. The church acts as a buffer between the proposed project and the homes along Shoemaker to the north. The homes to the northeast, with access from Painter Avenue, are buffered from the proposed project by an existing auto repair facility.
20. The Department of Alcoholic Beverage Control (ABC) has reported that an undue concentration of alcoholic beverages sales licenses exists in the census tract where the subject site is located, since four licenses for off-site consumption are allowed and four exist with one pending. The location is also within a high crime-reporting district. However, within a 500-foot radius of the subject site, there are no other businesses selling beer and wine or alcoholic beverages for either on- or off-site consumption. Therefore, in accordance with Section 22.56.195 of the County Code and the criteria set forth therein, no undue concentration of similar premises exists.
21. The requested use is primarily a convenience store and gas station. Beer and wine sales will be limited to 5 percent of the total shelf space in the store, making the request for beer and wine sales ancillary to the primary convenience items and gas services. The immediate vicinity contains no similar uses, and there are no food stores within walking distance of the residences and growing office, manufacturing and warehouse facilities along Imperial Highway. Therefore, the proposed project will provide a needed community service and will not adversely affect the economic welfare of the community.
22. The proposed project and the exterior of the proposed structure will be consistent with the appearance of commercial structures in the immediate vicinity of the subject site. The area contains a mix of office and other commercial and manufacturing land uses.

22. The proposed project will improve the appearance of the subject property. During a site visit, staff found the subject property littered, covered with weeds, and vacant except for one billboard which will be removed. The proposed project will result in development of this unsightly vacant lot and removal of the existing billboard. It will not cause blight or deterioration, or impair property values within the neighborhood.
23. The convenience store and gas station will be in operation 24 hours a day, seven days a week. Alcoholic beverage sales will be limited to 7 a.m. to 12 midnight, seven days a week.
24. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study identified potentially significant cumulative effects of the project on traffic. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Commission, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Conditions or changes in the proposed project are necessary in order to assure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program. The applicant will be required to comply with all provisions in the Mitigation Monitoring Program, including a requirement that the applicant contribute a proportionate share of the cost for the following traffic improvements:
 - Street-widening on Imperial Highway;
 - Re-striping northbound Shoemaker Avenue at Imperial to accommodate the existing two left-turn lanes and one through lane, addition of one exclusive right-turn lane; and
 - Re-striping or possibly widening southbound Carmenita Road to accommodate the existing one left-turn lane and two through lanes and addition of exclusive right-turn lane.
25. The project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to Section 711.2 of the California Fish and Game Code.
26. No public comments were received prior to the public hearing. Approximately 80 people were present at the public hearing in opposition.

27. Since it is at the intersection of two major roads, the subject property is a good location for the convenience store and gas station, and provides a service for the local residents as well. A large percentage of customers will not require parking spaces because they are "parked" at the pumps. Therefore, the 12 on-site parking spaces are more than adequate for the development. In addition, with driveway access from both Imperial and Shoemaker, trucks will be able to unload for store deliveries and at the fuel storage tanks without turning around on site. This facilitates on-site circulation for all vehicles and prevents them from backing up onto either street.
28. The proposed use as conditioned is consistent with the local plan and zoning, and is compatible with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius;
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises;
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;

- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. After consideration of the Mitigated Negative Declaration together with any comments received during the public review process, the Regional Planning Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the project.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 02-014-(1) is **APPROVED** subject to the attached conditions.

VOTE:

Concurring: Commissioners Valadez, Helsley, Bellamy, Modugno, and Rew

Dissenting: None

Abstaining: None

Absent: None

Action Date: 1/22/03

1/23/03
RF:PH

1. This grant authorizes the use of the subject property for the sale of beer and wine for off-site consumption at a "7-Eleven" convenience store, concurrent with the sale of motor vehicle fuel, as depicted on the approved revised Exhibit "A" and subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant will terminate November 13, 2017. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time. The expiration of this grant shall not apply to the continued use of the subject convenience store and gas station without any beer or wine sales.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$2,700.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for biannual inspections for the first three years and annual inspections for the rest of the grant term, for a total of 18 inspections. If after the first three years the subject property is found to be in compliance with the conditions of the grant, inspections shall be continued on an annual basis. Otherwise, the biannual inspections will continue in three-year increments until the property is brought into compliance. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the

approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for review and approval three (3) copies of a revised Exhibit "A" (site plan) similar to that presented at the public hearing. The revised Exhibit "A" shall depict all required project changes and shall show the location of equipment used to provide free air and water for motor vehicles. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
14. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a landscape plan that depicts the size, type and location of all plants, trees and watering systems on the subject property. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, fertilizing and replacement of plants when necessary.
15. Within sixty (60) days of the approval date of this grant, all illegal signage and billboards shall be removed from the subject property. Any new or additional signage shall comply with Part 10, Chapter 22.52 of the Los Angeles County Code.
16. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
17. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
18. All structures, walls, and fences open to public view shall remain free of extraneous

markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
20. The permittee shall participate in an annual community graffiti removal program in cooperation with and to the mutual satisfaction of the permittee and the County of Los Angeles First Supervisorial District. Details of the program and the permittee's participation shall be provided to the Director for filing purposes;
21. The construction, operation and maintenance of a convenience store and gas station with the sale of beer and wine for off-site consumption shall be further subject to the following conditions:
 - a. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris;
 - b. The placement of portable signs on sidewalks adjacent to the subject property, and temporary signs on walls and poles, is prohibited;
 - a. Permitted commercial signs and graphic displays shall be confined to the facade surface of the convenience store building, and shall not project above the roofline or disrupt the architectural design of the building;
 - b. Outside display is permitted, but is limited to automobile accessories and facilities or items necessary to dispensing petroleum products only;
 - c. Temporary signs or banners advertising "specials" shall not be displayed on the exterior walls or fascia of the building;
 - d. Outdoor advertising signs (billboards) are prohibited;
 - e. Telephone numbers of the local law enforcement agency shall be posted in the store adjacent to the cashier's area;
 - f. No beer or wine shall be displayed within five feet of the cash register or front door or shall be visible from the front door;
 - g. The permittee shall not display advertisements of alcoholic beverages at

motor fuel islands;

- h. The permittee shall not display beer or wine advertisements at any location on the subject property, including at motor fuel islands and on the exterior walls or windows of the convenience store;
- i. Display of alcoholic beverages shall be limited to five (5) percent of the total merchandising shelf space in the convenience store;
- j. No sale of alcoholic beverages shall be made from a drive-in window;
- k. No display or sale of beer or wine shall be made from an ice tub;
- l. The permittee shall not sell beer in less than six-pack quantities, and no fortified wines or malts shall be sold;
- m. There shall be no wine sold in containers of less than 750 milliliters, and no miniatures of any type shall be sold;
- n. Hours of operation for the convenience store and gas station shall be from 24 hours a day, seven days a week. Alcoholic beverages sales shall be permitted only from 7 a.m. to 12 midnight. Between the hours of 10:00 p.m. and midnight, employees on duty shall be at least 21 years of age in order to sell beer or wine;
- o. There shall be no loitering permitted on the premises under the control of the permittee. Signage prohibiting loitering shall be posted on the premises in English and in the predominant second language in the neighborhood;
- p. The permittee shall provide adequate lighting above the entrance of the store. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises. Additional lighting shall be installed outside of the convenience store to illuminate the store parking lot and the neighboring church parking lot;
- q. Security cameras shall be installed both inside and outside of the convenience store capable of monitoring the area between the subject store and the neighboring church building 24-hours a day;
- r. The permittee shall instruct and train all employees annually on the regulations prohibiting loitering and consumption of alcoholic beverages outside the store. Employees shall be instructed annually on security issues, and shall be required to enforce the subject conditions and call local law enforcement if necessary;

- s. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on the subject property;
- t. The permittee shall not allow any other coin-operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines;
- u. No outdoor payphones are permitted; any payphones shall be installed indoors and in an area of the subject store visible to the cashier;
- v. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon the request of any County Sheriff, Zoning Inspector, or ABC investigator. All employees of the subject convenience store and gas station shall be knowledgeable about the conditions contained herein;
- w. A minimum of 12 parking spaces shall be provided, including at least one (1) that is accessible to persons with disabilities;
- x. The trash enclosure shall be completely enclosed by a solid masonry wall and solid gate at least five feet but no more than six feet in height, except that the Director may approve the substitution of a fence or decorative wall where, in his opinion, such wall or fence will adequately comply with the provisions of this section;
- y. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works (Traffic and Lighting Division) letter dated September 9, 2002;
- z. The permittee shall comply with all project changes and mitigation measures listed in the attached Project Changes/Conditions Due to Environmental Evaluation and Mitigation Monitoring Program;
- aa. To ensure the effectiveness of the mitigation measures set forth in the attached Mitigation Monitoring Program, the permittee shall submit mitigation monitoring reports to the Director. The reports shall describe the status of the permittee's compliance with the required mitigation measures. The reports shall be submitted and approved in the following sequence:
 - i. At the time of building permit issuance, reports shall be submitted that include verification and payment of applicable fees;
 - ii. Additional reports shall be submitted if required by the Director.

**CONDITIONAL USE PERMIT CASE NO. 02-014-(1)
CONDITIONS**

Page 7 of 7

Attachments

Mitigation Monitoring Program

Department of Public Works Letter dated September 9, 2002

RF:PH 1-16-03

EXHIBIT L

References

Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms

Robert A. Hahn, PhD, MPH, Jennifer L. Kuzara, MA, MPH, Randy Elder, PhD,
Robert Brewer, MD, MSPH, Sajal Chattopadhyay, PhD,
Jonathan Fielding, MD, MPH, MBA, Timothy S. Naimi, MD, MPH, Traci Toomey, PhD,
Jennifer Cook Middleton, PhD, Briana Lawrence, MPH, the Task Force on Community
Preventive Services

Abstract: Local, state, and national policies that limit the hours that alcoholic beverages may be available for sale might be a means of reducing excessive alcohol consumption and related harms. The methods of the *Guide to Community Preventive Services* were used to synthesize scientific evidence on the effectiveness of such policies. All of the studies included in this review assessed the effects of increasing hours of sale in on-premises settings (in which alcoholic beverages are consumed where purchased) in high-income nations. None of the studies was conducted in the U.S. The review team's initial assessment of this evidence suggested that changes of less than 2 hours were unlikely to significantly affect excessive alcohol consumption and related harms; to explore this hypothesis, studies assessing the effects of changing hours of sale by less than 2 hours and by 2 or more hours were assessed separately.

There was sufficient evidence in ten qualifying studies to conclude that increasing hours of sale by 2 or more hours increases alcohol-related harms. Thus, disallowing extensions of hours of alcohol sales by 2 or more should be expected to prevent alcohol-related harms, while policies decreasing hours of sale by 2 hours or more at on-premises alcohol outlets may be an effective strategy for preventing alcohol-related harms. The evidence from six qualifying studies was insufficient to determine whether increasing hours of sale by less than 2 hours increases excessive alcohol consumption and related harms.

(Am J Prev Med 2010;39(6):590–604) Published by Elsevier Inc. on behalf of American Journal of Preventive Medicine

Introduction

Excessive alcohol consumption is responsible for approximately 79,000 deaths per year in the U.S., making it the third-leading cause of preventable death.¹ Binge drinking (consuming five or more drinks per occasion for men and four or more drinks per occasion for women) is reported by approximately 15% of U.S. adults aged ≥ 18 years and by approximately 29% of high school students in the U.S.^{2,3} The direct and indirect economic costs of excessive drinking in 1998 were \$184.6 billion.⁴ The reduction of excessive alcohol consumption

in general and binge drinking in particular are thus matters of major public health and economic interest. Reducing binge drinking among U.S. adults has been a public health objective in *Healthy People 2010*.⁵

In the U.S., local control of the total or specific hours during which alcoholic beverages may be sold (hereafter referred to as “hours of sale”) varies from one state to another. Some states allow cities, counties, and other local jurisdictions to enact their own alcohol control policies, and in these states, restrictions on hours of sale can vary from one location to another. In other states, local control may be pre-empted by state regulations that prohibit local authorities from enacting alcohol control regulations stricter than those that apply to the rest of the state.^{6,7} As of 1953, American Indian reservations have the authority to establish their own alcohol-related policies, prior to which alcohol was formally prohibited.⁸

There is also wide variation among states in the specific restrictions they place on the hours of sale by retail setting (i.e., on- or off-premises) and by the day of the week.⁹ For on-premises alcohol outlets, states allow facilities to serve alcohol for a median of 19 hours a day on weekdays and

From the Community Guide Branch of the Epidemiology and Analysis Program Office (Hahn, Kuzara, Elder, Chattopadhyay, Middleton, Lawrence), National Center for Chronic Disease Prevention and Health Promotion (Brewer, Naimi), CDC, Atlanta, Georgia; Los Angeles County Department of Public Health (Fielding), Los Angeles, California; University of Minnesota School of Public Health (Toomey), Minneapolis, Minnesota

The names and affiliations of the Task Force members are listed at www.thecommunityguide.org/about/task-force-members.html.

Address correspondence to: Robert A. Hahn, PhD, MPH, Community Guide Branch, Epidemiology and Analysis Program Office, CDC, 1600 Clifton Road, Mailstop E-69, Atlanta GA 30333. E-mail: rhahn@cdc.gov.

0749-3797/\$17.00

doi: 10.1016/j.amepre.2010.09.016

Saturdays. Nine states (Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, Nevada, New Jersey, and South Carolina) have no limits on hours of sale for on-premises alcohol outlets.⁹ On Sundays, alcohol may be served for a median of 17 hours at on-premises facilities, with seven states placing no restrictions on Sunday on-premises sales; four states allow no sales of alcohol at on-premises facilities on Sundays. In off-premises settings, hours of sale are limited to a median of 18 hours on weekdays and Saturdays. Restrictions range from no limits on hours of sale in Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, and Nevada to 8 hours of sale allowed in Idaho. On Sundays, states allow a median of 13 hours of alcohol sales at off-premises facilities, with five states having no restrictions; 18 states with “blue laws” allow no off-premises sales.

This review uses the methods of the *Guide to Community Preventive Services (Community Guide)*¹⁰ to assess the effects of changes in the hours during which alcohol is served on excessive alcohol consumption and related harms. A separate review published in this issue assesses the effects of changing days of sale on excessive alcohol consumption and related harms and concludes that increasing days of sale leads to increased consumption and related harms. The focal question of the present review is how, within allowable days of sale, the number of hours available for acquisition and service of alcohol affects excessive alcohol consumption and related harms.

Findings and Recommendations from Other Reviews and Advisory Groups

Several scientific reviews^{11–14} have concluded that restricting the hours when alcohol may be sold is an effective strategy for reducing excessive alcohol consumption and related harms. One review,¹¹ funded by the Center for Substance Abuse Prevention (CSAP), found substantial evidence of harms associated with expanding the hours and days of alcohol sales. This conclusion was based on previous empirical research indicating that the expansion of the hours and days of sale increased prevalence of excessive alcohol consumption and alcohol-related problems. Most prior reviews have combined findings on days and hours and none have examined a threshold effect. The CSAP review included studies prior to 1999; a recent review¹⁴ includes studies published between 2000 and 2008. The present review covers both periods using the systematic methods of the *Community Guide* described below.

Several international bodies have also recommended the control of hours or days of sale, or both as means of reducing excessive alcohol consumption and related harms.¹⁵ For example, a recent review¹⁶ of alcohol control strategies by the WHO found that limiting of hours of sale was an effective method for reducing alcohol-related

harms. In Ireland, the Department of Health and Children’s Strategic Task Force on Alcohol¹⁷ concluded (p. 30) that “restricting any further increases in the physical availability of alcohol (number of outlets and times of sales)” is among the most effective policy measures for influencing alcohol consumption and related harms.

Methods

The methods of the *Community Guide* were used to systematically review scientific studies that have evaluated the effectiveness of limiting or maintaining existing limits on the hours of sale for preventing excessive alcohol consumption and related harms.¹⁰ In brief, the *Community Guide* process involves forming a systematic review development team (review team), consisting of subject matter and methodology experts from other parts of the CDC, other federal agencies, and academia, and the Task Force on Community Preventive Services (Task Force); developing a conceptual approach for organizing, grouping, and selecting interventions; selecting interventions to evaluate; searching for and retrieving available research evidence on the effects of those interventions; assessing the quality of and abstracting information from each study that meets inclusion criteria; assessing the quality of and drawing conclusions about the body of evidence on intervention effectiveness; and translating the evidence on effectiveness into recommendations. Evidence is collected and summarized on (1) the effectiveness of reviewed interventions in altering selected health-related outcomes and (2) positive or negative effects of the intervention on other health and nonhealth outcomes. When an intervention is shown to be effective, information is also included about (3) the applicability of evidence (i.e., the extent to which available effectiveness data might generalize to diverse population segments and settings); (4) barriers to implementation; and (5) the economic impact of the intervention. To help ensure objectivity, the review process is typically led by scientists who are not employed by a program that might be responsible for overseeing the implementation of the intervention being evaluated.

The results of this review process are then presented to the Task Force, an independent scientific review board that objectively considers the scientific evidence on intervention effectiveness presented to them and then determines, with the guidance of a translation table, whether the evidence is sufficient to warrant a recommendation on intervention effectiveness.¹⁰ Evidence can be found to be strong, sufficient, or insufficient. Sufficient or strong evidence may indicate benefit, harm, or ineffectiveness of the intervention whereas insufficient evidence indicates more research is needed.

Conceptual Approach and Analytic Framework

The premise of this review is that increased availability of alcoholic beverages through any mechanism facilitates increases in excessive consumption and related harms, and that limiting hours of sale of alcoholic beverages is one way to reduce availability. The limitation of hours of sale of alcoholic beverages was defined as “applying regulatory authority to limit the hours that alcoholic beverages may be sold at on- and off-premises alcoholic beverage outlets.” *Limiting* may refer to either *maintaining existing limits* in response to efforts to expand hours of sale or *reducing current limits on hours of sale*. Hours of sale may be regulated at the national, state, or local level or some combination of these. *Off-premises retailing* refers to

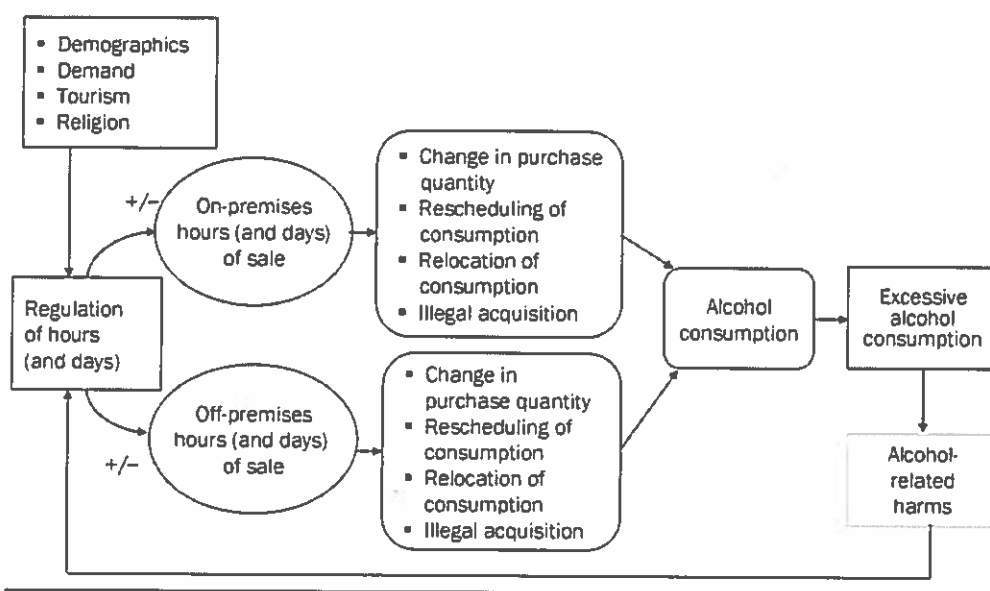


Figure 1. Effects of regulation of hours (and days) of alcohol sales on excessive alcohol consumption and related harms

the sale of contained alcoholic beverages, for instance, at package stores, liquor stores, grocery stores, or convenience stores, for consumption elsewhere. *On-premises retailing* refers to the sale of alcoholic beverages for consumption at the point of sale, for example, at bars, restaurants, or clubs.

Policies that regulate the hours of sale may be influenced by various characteristics of the affected population, including the demand for alcoholic beverages, the age distribution of the population, the religious affiliation and involvement of residents, and the amount of tourism the area attracts. Policies reducing or expanding hours of sale are hypothesized to affect alcohol consumption and alcohol-related harms through the following means (Figure 1). First, increases or decreases in the hours of sale affect consumers' ability to purchase alcohol by changing its availability. Second, when access to alcoholic beverages changes, consumers may alter their purchasing habits in several ways, including changing their purchase volume, rescheduling their purchases, relocating their purchases, or obtaining alcoholic beverages illegally. Changes in their purchasing habits may then affect their drinking patterns or overall levels of alcohol use, resulting in changes in alcohol-related problems.

Changes in the hours of sale may also affect alcohol-related health outcomes by other means. For example, increases in the hours that alcohol is available at on-premises outlets may be associated with increased social aggregation, which, in turn, may increase aggressive behaviors that are exacerbated by alcohol consumption.¹⁸ Increases or decreases in the hours that alcohol is available in one jurisdiction may also increase or decrease alcohol consumption in adjacent jurisdictions if consumers travel from a jurisdiction with fewer hours to one with greater hours. This may also affect the number of miles traveled to purchase alcohol, and therefore the probability of alcohol-related motor vehicle crashes.

The present review addresses the following research question: what are the effects on excessive alcohol consumption and related harms of changing the hours of sale at on- or off-premises outlets? It was hypothesized that there would be a dose-response relationship related to the magnitude of the change in hours (i.e., the amount by which hours of sale are increased or decreased). Based on this hypothesis, the body of evidence for this review was strati-

fied into studies examining changes of ≥ 2 hours and < 2 hours per day. This cut point was chosen by the judgment of the review team that 2 hours might be a reasonable threshold for a substantial effect and on the distribution of available studies.

The process by which hours of alcohol sale are changed in different settings may also be an important variable to consider in evaluating the effects of such changes. In some settings in which the allowable hours of sale are increased, any licensed facility may extend hours. In others, facilities must apply for an extension and meet certain criteria, such as demonstrating a lack

of facility crowding in a neighborhood. It was hypothesized that the additional level of regulation required to apply for extended opening hours might reduce the potential harm from greater access by restricting the implementation and extent of added hours.

Inclusion and Exclusion Criteria

To be included as evidence in this review, studies had to meet certain criteria. First, studies that assessed short-term changes in alcohol availability (e.g., alcohol sales related to a special event such as a sports competition) were not included. Second, eligible studies needed to assess the specific impact of changes in the hours of sale on excessive alcohol consumption, related harms, or both, as opposed to evaluating the effect of change in combination with other interventions. Studies of combined interventions may obscure the effects attributable specifically to changes in hours. Third, because the current focus was on the effects of changes in hours of sale in jurisdictions where these changes occurred, no review was made of studies that examined the effects of changes in hours in one jurisdiction on consumption elsewhere, for example, in neighboring jurisdictions or across a border. Fourth, to increase the applicability of the findings to the U.S., studies had to be conducted in countries with high-income economies^a according to the World Bank.¹⁹ Fifth, studies had to present primary research findings, not just review other research findings. Sixth, studies had to be published in English. Seventh, studies had to have a comparison group

^aWorld Bank High-Income Economies (as of May 5, 2009): Andorra, Antigua and Barbuda, Aruba, Australia, Austria, The Bahamas, Bahrain, Barbados, Belgium, Bermuda, Brunei Darussalam, Canada, Cayman Islands, Channel Islands, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Faeroe Islands, Finland, France, French Polynesia, Germany, Greece, Greenland, Guam, Hong Kong (China), Hungary, Iceland, Ireland, Isle of Man, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Macao (China), Malta, Monaco, Netherlands, Netherlands Antilles, New Caledonia, New Zealand, Northern Mariana Islands, Norway, Oman, Portugal, Puerto Rico, Qatar, San Marino, Saudi Arabia, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, United Arab Emirates, United Kingdom, U.S., Virgin Islands (U.S.).

or, at a minimum, compare outcomes of interest before and after a change in the policy related to hours of sale.

Specific types of alcohol-related harms of interest were alcohol-related diseases (e.g., liver cirrhosis), alcohol-impaired driving, alcohol-related crashes, unintentional or intentional injuries, and violent crime. When studies assessed multiple outcomes of interest, those outcomes with the strongest known association with excessive alcohol consumption were selected. Outcome measures that had the strongest known association with excessive alcohol consumption included binge drinking, heavy drinking, liver cirrhosis mortality, alcohol-related medical admissions, and alcohol-related motor vehicle crashes, including single-vehicle night-time crashes (which are widely used to indicate the involvement of excessive drinking).²⁰ Less-direct measures included per capita ethanol consumption, a recognized proxy for estimating the number of heavy drinkers in a population²¹; unintentional injuries; suicide; and crime, such as homicide and aggravated assault.

Search for Evidence

The following databases were searched: Econlit, PsycINFO, Sociology Abstracts, MEDLINE, Embase, and EtOH. All years of records available on the databases were searched up to February 2008. Although the systematic search ended at this date, the review team is not aware of additional hours of sale research published since this time. (The search strategy will be available on the Community Guide website.) The reference lists of articles reviewed were also searched as well as reference lists from other systematic reviews. Government reports were considered for inclusion, but unpublished papers were not. Subject matter experts were also consulted to identify studies that might have been missed.

Assessing the Quality and Summarizing the Body of Evidence on Effectiveness

Each study that met the inclusion criteria was read by two reviewers who used standardized criteria to assess the suitability of the study design and threats to validity.¹⁰ Uncertainties and disagreements between the reviewers were reconciled by consensus among the review team members. Classification of the study designs accords with the standards of the *Community Guide* review process and may differ from the classification reported in the original studies.

Studies were evaluated based on their design and execution. Those that collected data on exposed and control populations prospectively were classified as having the greatest design suitability. Those that collected data retrospectively or lacked a comparison group, but that conducted multiple pre- and post-measurements on their study population(s), were rated as having moderate design suitability. Finally, cross-sectional studies, those without a comparison group, and those that involved only a single pre- or post-measurement in the intervention population were considered to have the least suitable design. Quality of execution was assessed by examining potential threats to study validity, including an inadequate description of the intervention or of the study population(s), poor measurement of the exposure or outcome, failure to control for potential confounders, and a high attrition rate among study participants. Based on these criteria, studies were characterized as having good quality of execution if they had at most one threat to validity; fair execution if they had two to four threats to validity, and limited quality of execution if they had five or more threats to validity. For example, studies that used only proxy outcome measures were assigned a penalty for this threat to validity. Only studies

with good or fair quality of execution were included in the body of evidence; studies with any level of design suitability were included, other than those with cross-sectional design.

Effect estimates were calculated as relative percentage change in the intervention population compared with the control population using the following formulas:

1. For studies with pre- and post-measurements and concurrent comparison groups:

$$\text{Effect estimate} = (I_{\text{post}}/I_{\text{pre}})/(C_{\text{post}}/C_{\text{pre}}) - 1,$$

where:

I_{post} = last reported outcome rate or count in the intervention group after the intervention;

I_{pre} = reported outcome rate or count in the intervention group before the intervention;

C_{post} = last reported outcome rate or count in the comparison group after the intervention;

C_{pre} = reported outcome rate or count in the comparison group before the intervention.

2. For studies with pre- and post-measurements but no concurrent comparison:

$$\text{Effect estimate} = (I_{\text{post}} - I_{\text{pre}})/I_{\text{pre}}$$

All studies included in this review assessed the effects of *increasing* hours of sale, and the control condition was *not increasing* hours of sale. Although the analysis here accordingly assesses the effects of increasing hours, the public health intervention of interest is the control condition, (i.e., *limiting or not increasing hours of sale*). This approach rests on the assumption that increasing availability by increasing hours is likely to increase excessive consumption and related harms, and thus not increasing hours when proposed is the public health intervention. For each body of evidence, the review reports a number of *events* of policy changes in hours in a given jurisdiction, each of which may have been the subject of more than one *study* (a research investigation carried out by a single researcher or research group), each of which, in turn, may have been reported in more than one *paper* or *report*.

Results on Intervention Effectiveness

Studies of Changes of >2 Hours in Hours of Sale

Ten studies^{22–31} of six events that resulted in a change of ≥ 2 hours in the hours of alcohol sales met the inclusion criteria. Only one study²² was of greatest design suitability; however, the principal analysis in this study was presented graphically and did not allow the estimation of a numeric effect size. One study²³ was of moderate design suitability and eight^{24–31} were of least suitable design. All studies had fair quality of execution. (A summary evidence table [Table 1]^{22–40} accompanies this review.)

Four of the six events studied occurred in Australia (in 1966, 1977, 1984, and 1998–2000); one in London, England (in 2005); and one in Reykjavik, Iceland (in 2005). All of the events led to increased hours of sale at on-premises alcohol outlets.

In Victoria, Australia, weekday and Saturday hours were extended from 6:00 PM to 10:00 PM in 1966. Hours allowed prior to this change were not reported. One

Table 1. Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm

Study/design/ execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
Policies allowing a change of ≥ 2 hours—Increasing hours					
El Maayrah (2008) ²⁹ Design suitability: Least Pre/post, no control Quality of execution: Fair (4 limitations)	Location: University College Hospital, London, England, and Wales Dates: Intervention: November 24, 2005 Pre-intervention: November 24, 2004–April 30, 2005 Post-intervention: November 24, 2005–April 30, 2006	Intervention: Flexible opening hours: Potentially 24-hour opening, 7 days a week, dependent on special license Note: Granting of licenses subject to consideration of impact on local residents, businesses, and expert opinion Control: None	Analysis: Chi square Outcome: ARMT (6 months before compared to 6 months after)	ARMT Pre: 1102 Post: 730	Relative % change (95% CI): –33.8% (–39.7, –27.3)
Newton (2007) ²⁷ Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: London Dates: Intervention: November 2005 Pre-intervention: March 2005 (9:00PM–9:00AM) Post-intervention: March 2006 (9:00PM–9:00AM)	Intervention: Experimental unrestricted hours Control: None	Analysis: Mann–Whitney U test for differences in proportions Outcomes: Numbers and percentages of “alcohol-related” ER admissions, injuries, and hospital referrals	Significant increases in number of alcohol-related admissions, alcohol-related assault, alcohol-related injury, and alcohol-related hospital admissions	Relative % change (95% CI): Alcohol-related assault: 129.6 (46.1, 260.8) Alcohol-related injury: 193.2 (108.2, 312.8)
Babb (2007) ³⁸ Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: London Dates: Intervention: November 2005 Pre-intervention: December 2004–November 2005 (9:00PM–9:00AM) Post-intervention: December 2005– November 2006 (9:00PM–9:00AM)	Intervention: Experimental unrestricted hours, along with fines/ penalties for service to drunk clients and children Control: None	Analysis: 30 of 43 home office police forces provide data on arrests for serious and less-serious violent crimes. Offenses not specified as alcohol- related	Moving averages calculated for nighttime arrests, 6:00PM to 5:59AM	Relative % change: Serious offenses (including homicide and manslaughter): –9.5% Less-serious offenses (with wounding): –5.4% Less-serious offenses (with wounding) in city centers and near licensed premises: –4.3% Assault without injury: –2.7% Assault without injury in city centers and near licensed premises: 3.1%
Ragnarsdottir (2002) ²⁸ Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: “relatively small” city center, Reykjavik Dates: Intervention: July 1999–July 2000 Pre-intervention: March 1999–April 1999 (8 weekend nights) Post-intervention: March 2000–April 2000 (8 weekend nights)	Intervention: Experimental unrestricted hours Control: Unchanged hours	Analysis: Percentages; no tests of significance Outcomes: • Emergency ward admissions (not specific to city center) • Suspected drunk driving cases	For all outcomes, location not specified as city center (the location of intervention) or outside city center. Emergency ward admissions: Weekend nights: 31% increase All-day: 3% increase Weekends (all day):	Relative % change: Weekend emergency ward admissions: 20%* Accidents and other mishaps: 23%* Fighting: 34%* Suspected drunk driving: 79.3% (13.8, 182.4)

(continued on next page)

Table 1. (continued)

Study/design/ execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
	* Weekend nights defined as Saturday or Sunday from 12:00 AM to 7:00AM			20% increase Weekdays: 2% decrease Reasons for admission include incidents often related to drinking: Accidents and other mishaps: 23% increase Fighting: 34% increase Non-alcohol related admission types: No change Suspected drunk driving: 1999: 29 2000: 52	
Smith (1988) ²⁵ Design suitability: Least Pre/post, no comparison group Quality of execution: Fair (3 limitations)	Location: Tasmania, Australia Dates: August 10, 1977 Pre-intervention: July 1, 1971–June 30, 1977 Follow-up: October 1, 1977–September 30, 1978	Intervention: Unrestricted hours allowed throughout week. Smith reports numbers of actual hours did not change, but hours shifted to later times. Exceptions (mandatory closing): Sundays 5:00 AM–12:00AM Sundays 8:00PM–12:00AM Good Friday Prior hotel opening hours: Monday–Saturday: 10:00 AM–10:00PM Sunday: 12:00AM–8:00PM Control: Number of injury crash from 6:00 PM to 10:00PM	Analysis: Chi-square Outcome: Crash injury between 10:00PM and 6:00AM	Traffic injury crash: Increased between 10:00PM and 6:00AM. Although the number occurring directly after the former closing time decreased, both the proportion and the absolute number of traffic injury crash from 12:00AM to 6:00AM increased, for a total overall increase.	Relative % change (95% CI): Traffic injury crash: 10.8% (–1.5, 21.2)
Raymond (1969) ²² Design suitability: Greatest Pre/post, no comparison. Quality of execution: Fair (3 limitations)	Location: Melbourne, Victoria (Australia) Dates: February 1, 1966 Pre-intervention: 1964–1965 Follow-up: 1966–1967 after period Note: data collection begins January 1, 1966	Intervention: Closing time extended from 6:00PM to 10:00PM Control: Sundays Number of injury crash from 6:00 PM to 10:00PM	Analysis: Outcomes: ● Casualty accidents ● Total accidents ○ Pedestrian accidents ○ Single-vehicle accidents ○ Multi-vehicle accidents	Summary of major findings: Total accidents: No change Hourly distribution of accidents occurring from 6:00PM to 11:00PM changed significantly: Sharp decrease from 6:00PM to 7:00PM and an increase from 10:00PM to 11:00PM.	Graphical comparison of weekdays and Saturday with hours change vs Sunday without change: No effect
Williams (1972) ²³ Design suitability: Moderate Interrupted time series	Location: Victoria, Australia Dates: Intervention:	Intervention: Closing time extended from 6:00PM to 10:00PM Control: None	Analysis: Maximum likelihood estimates Outcome:	Sales increase \$1.9 per quarter due to 10:00PM closing Equivalent to 12% increase	Consumption change: 12% (ns)* *CIs not calculable because of lack of data

(continued on next page)

Table 1. Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm (continued)

Study/design/ execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
Quality of execution: Fair (2 limitations)	January 2, 1966 Pre intervention: 1958-1966 Follow-up: 1966-1969		Consumption of alcohol in Aus\$ sales per capita controlled for price of beer and consumer price index	Note: Author reports no significant effect because SEs are large	
Smith (1988) ^{2,4}	Location: Victoria, Australia Dates: Intervention: January 2, 1966	Intervention: Closing time extended from 6:00PM to 10:00PM Control: None	Injury crash change: Yearly vehicle crashes 3 years before and 1 year after the change in hours. No assessment of alcohol- relatedness of crashes	An increase of 11.5% in automobile crash injuries associated with the change in hours (not taking entire day into account)	Relative % change (95% CI): 3.6% (-16.6, 28.8)
Smith (1990) ³⁰ Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: Victoria, Australia Dates: Intervention: (1) July 13, 1983 (2) November 1984 Pre-intervention: January 1, 1980-December 31, 1983 Follow-up (1): January 1, 1984-December 31, 1984 Follow-up (2): January 1, 1985-December 31, 1985	Intervention: (1) Two 2-hour periods allowed on Sundays between 12:00noon and 8:00PM (2i) Full hours allowed between 12:00noon and 8:00PM on Sunday (2ii) Monday to Saturday sales extended from 10:00PM to 12:00AM (2iii) Sunday restaurant hours increased to 12:00 noon to 11:30PM (12:00noon-4: 00PM and 6:00PM- 10:00PM) Control: None	Analysis: Chi-squares Outcome: Traffic crash injury	Injury crash during the 4 hours after 8-hour Sunday session	Relative % change (95% CI): 8.5 (2.2, 15.2)
Briscoe (2003) ³¹ Design suitability: Least Cross-sectional Quality of execution: Fair (3 limitations)	Location: Victoria, Australia Dates: Intervention: July 1998-June 2000	Intervention: 24-hour permit granted to some on- premises alcohol outlets	Analysis: descriptive statistics Outcomes: Number of assaults within outlets during study period	Summary of major findings: Authors claim that there is an association between 24-hour permits and high rates of assaults. However, findings appear contradictory and do not allow re-evaluation.	Inconclusive
Policies allowing a change of <2 hours					
Chikritzhs (1997) ^{32, 35} Design suitability: Greatest Before and after design with comparison Quality of execution: Fair (3 penalties)	Location: Perth, Western Australia (WA) Dates: Data collected from July 1, 1991 to June 30, 1995 for: • Assaults Data collected from July 1, 1990 to June 30, 1996 for: • Road block breath testing • Accidents	Intervention (1988): ETPs only (until 1:00AM instead of 12AM) Control: Hotels that served in standard hours (until 12: 00AM) throughout study period (non-ETPs)	Analysis to test for ETP association: • Paired t-tests • Repeated measures analysis • Multiple Linear Regression Outcomes: • Monthly assault rates • Impaired driver BAL	Monthly assaults per hotel: ETP hotels: Pre: 0.121, Post: 1.87 Non-ETP hotels: Pre: 0.112, Post: 0.133 *Adjusting for alcohol sales eliminated effect of ETPs (e.g., increased consumption accounted for increased harm)	Relative % change: Monthly assaults per hotel: 30.1% Wholesale alcohol purchases: 10.5% Alcohol-related road crashes: 51.3%

(continued on next page)

Table 1. (continued)

Study/design/ execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
<p>Smith (1987)³⁶ Design suitability: Least Before and after design, no comparison Quality of execution: Fair (3 penalties)</p>	<p>Location: New South Wales, Australia Dates: Intervention: Weekday/Saturday closing hours: changed from 10:00pm to 11:00pm Pre-intervention: 1976–1979 Follow-up: 1980–1981</p>	<p>Intervention: Hours: Weekday/Saturday evening closing hours extended from 10:00pm to 11:00pm December 1979 Sunday hours and outlet types also expanded December 1980 BAC levels lowered from 0.08% to 0.05% Control: No comparison group</p>	<p>• Alcohol-related crashes • Wholesale alcohol purchase</p>	<p>ETP hotels: Pre: 670,403; Post: 881,048 Non-ETP hotels: Pre: 686,094; Post: 815,822 Alcohol-related road crashes: ETP hotels: Pre: 0.0781; Post: 0.0808 Non-ETP hotels: Pre: 0.0731; Post: 0.0503 Summary of major findings: Findings on this outcome not considered</p>	<p>Relative % change in motor vehicle fatalities: –2.7%</p>
<p>Knight (1980)³⁷ Design suitability: Least Before and after study without comparison Quality of execution: Fair (4 limitations)</p>	<p>Location: 4 major cities and central belt of Scotland Dates: Intervention: Hours: December 13, 1976 Pre-intervention: October–November 1976 Follow-up: March 1977</p>	<p>Intervention: Hours: Evening closing hours extended from 10:00pm to 11:00pm in December 1977 (Sunday licenses issued October 1977) Control: No comparison group</p>	<p>Analysis: Percentage changes Outcomes: Consumption and patterns of consumption</p>	<p>Change in consumption (in standard units) from before to after the time change: Men: –0.9 units/week Women: 0.2 units/week</p>	<p>Relative % change in consumption following extended hour: Men: –4.9% Women: 3.8%</p>
<p>Bruce (1980)³⁸ Design suitability: Least Before and after study with no comparison Quality of execution: Fair (2 limitations)</p>	<p>Location: 4 major cities and central belt of Scotland Dates: Intervention: Hours: December 13, 1976 Pre-intervention: October–November 1976 Follow-up: March 1977</p>	<p>Intervention: Hours: Evening closing hours extended from 10:00pm to 11:00pm in December 1977 (Sunday licenses issued October 1977) Control: No comparison group</p>	<p>Analysis: Percentage changes Outcomes: Beer sales in bulk barrels</p>	<p>Beer sales in bulk barrels Mean 1970–1976/1977 3,7856,143/40,262,000 3,264,000/366,800</p>	<p>Relative % change: Beer sales in bulk barrels 5.7%</p>
<p>De Molra (1995)³⁹ Duffy (1996)⁴⁰ Design suitability: Greatest</p>	<p>Location: England/Wales Dates: Intervention:</p>	<p>Intervention: Extension of opening and Sunday hours • Opening hour changed from 11:00am to 10:00am</p>	<p>Analysis: Logistic linear regression, analysis of deviance Outcomes:</p>	<p>Summary of major findings: Mortality: No increase in: • Liver disease and cirrhosis</p>	<p>Relative % changes (95% CI): Mortality from diverse alcohol-related diseases: no effect Convictions for sales to underage patrons:</p>

(continued on next page)

Table 1. Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm (continued)

Study/design/ execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
Prospective data collection with intervention and control populations Quality of execution: Fair (2 limitations)	August 1988 Pre-intervention: 1980–1988 Follow-up: 1988–1991	<ul style="list-style-type: none"> Extra hour on Sunday (hours allowed from 12:00am until 10:30am, with a mandatory break of 4 hours beginning at 3:00am) Drinking-up time increased from 10 to 20 minutes (weekdays only) Off-premises sales allowed from 8:00am Control: Scotland (positive control, having already extended hours several years previously)	<ul style="list-style-type: none"> Liver disease and Cirrhosis Mortality Pancreatitis mortality Alcohol poisoning Alcohol-dependent syndrome Alcohol psychosis Workplace absenteeism Workplace accidents Road accidents Positive breath tests Drunk driving convictions Drunkness offenses Crimes of violence Underage drinking 	<ul style="list-style-type: none"> Pancreatitis Alcohol poisoning Alcohol-dependent syndrome Alcohol psychosis Workplace: No increase in: <ul style="list-style-type: none"> Workplace absenteeism Serious or fatal workplace accidents Increase in: <ul style="list-style-type: none"> Slight workplace accidents RR Scotland: 1.34 RR E and E: 1.01 Motor vehicle: No increase in: <ul style="list-style-type: none"> Drunk driving convictions Positive breath tests Fatal and serious road accidents Increase in: <ul style="list-style-type: none"> Slight road accidents Relative % change: 3.5% Public order: No increase in: <ul style="list-style-type: none"> Drunkness offenses Crimes of violence Underage drinking 	64.1% (21.2%, 99.0%) Purchases by minors: –62.4% (72.9%, 46.5%) Recorded violent crime: 15.5% (14.0%, 17.0%)
Vingilis (2005) ⁴¹ Design suitability: Greatest Prospective data collection with intervention and control populations Quality of execution: Fair (3 limitations)	Intervention: May 1996 Pre-intervention: 1992–1996 Follow-up: 1996–1999	Intervention: On May 1, 1996, Ontario, Canada, amended the Liquor License Act to extend closing hours for alcohol sales and service in licensed establishments from 1:00am to 2:00am Control: Michigan and New York states, in which similar changes did not occur	Analysis: Supposedly interrupted time series, but results not given. Graphical analyses. Outcomes: Motor vehicle fatalities, alcohol-related and all Consumption	Summary of major findings: No significant change relative to controls Declines in consumption reported	Findings: No significant change relative to controls

*OIs not calculable due to the lack of data.
 ARMT, alcohol-related maxillofacial trauma; ETP, extended trading permit

study²² compared trends in motor vehicle–related outcomes on weekdays and Saturdays before and after the hours of alcohol sales at on-premises alcohol outlets in Victoria, Australia, were extended, to the same outcomes on Sundays, when there was no change in hours. The author found that the increase in hours of sales on weekdays and Saturday did not significantly affect the number of crashes that occurred on these days. However, she observed a change in the timing of crashes corresponding to the change in the closing time of the on-premises alcohol outlets. Thus, in this study, it appeared that although the number of events may not have been affected by the change in the closing time of alcohol outlets, their timing was affected. In contrast to this study's findings, two subsequent analyses of the same event concluded that the increase in hours was associated with increases in consumption²³ and motor vehicle crash injuries.²⁴

In 1984, hours available for alcohol service in Victoria were extended from 10:00PM until 12:00MN on weekdays and Saturdays and in length of time open from 4 hours to 8 hours on Sundays (a day on which alcohol sales had been previously allowed). Information on hours prior to the weekday and Saturday extension is not given. A study of this event³⁰ found an increase in motor vehicle crash injuries associated with these increases in hours.

Between July 1998 and June 2000, Victoria granted 24-hour permits to some on-premises alcohol outlets. A cross-sectional study comparing rates of assaults in outlets granted and not granted 24-hour permits is inconclusive.³¹ Although authors claim that higher rates of assault are associated with 24-hour facilities, their statements describing results are inconsistent, and the authors do not provide data to allow re-evaluation.

In Tasmania (Australia), licensed premises were allowed to stay open until any hour in 1977. Prior Monday–Saturday opening hours were 10:00AM–10:00PM; Sunday hours, 12NOON–8:00PM. The assumption by policymakers underlying unrestricted closing times was that possibly intoxicated clients would not be exiting the facilities at the same time, potentially decreasing risks, because different outlets would choose different closing hours. A study of this event²⁵ found an increase in motor vehicle crash injuries associated with these increases in hours.

In Reykjavik, licensed premises were allowed to stay open until any hour in the year 1999 on an experimental basis. Prior closing requirements were 11:30 PM on weekdays and 2:00 AM on weekends. Researchers found increases in emergency room admissions, injuries, fighting, and suspected driving while intoxicated.²⁶

Finally, the United Kingdom's Licensing Act of 2003 allowed sales of alcoholic beverages 24 hours a day in England and Wales, beginning in November 2005, subject to local licensing requirements. Three studies assess-

ing the impact of this increase in hours of sale produced mixed results.^{27–29} Two studies^{28,29} found a relative decrease in harms (violent criminal offenses and alcohol-related maxillofacial trauma, respectively), whereas a third study²⁷ found a relative increase in harms (alcohol-related assault and injury) subsequent to this increase in hours of sale.

Among the ten studies in this body of evidence,^{22–31} two studies^{28,29} found that an increase of ≥ 2 hours in the hours of sale led to decreased alcohol-related harms (i.e., injury and serious violent crime), and six studies^{23–27,30} found an increase in alcohol-related harms relative to the period before the increase in hours of sale took place (Figure 2). The study by Raymond²² found no effect. One study²³ found a nonsignificant increase in alcohol consumption associated with the increase in hours in Victoria, Australia, in 1966.

Information on the requirement that premises seek permits prior to expanding hours may not have been complete in the studies reviewed. To the extent that stated permit requirements accurately reflect the expansion process, there appears to be no systematic effect of permitting. Although the harmful effects of permitted expansions appear to be larger than those in which permits were not required (Figure 2) there were also effects in the opposite direction for studies of permitted settings.

Studies of Changes of <2 Hours in Hours of Sale

Six studies of five events (reported in ten papers^{32–41}) that resulted in a change of <2 hours of sale met the inclusion criteria. All studies were of on-premises alcohol outlets. Three studies (seven papers^{32–35,39–41}) were of greatest design suitability, three^{36–38} were of least suitable design; all were of fair quality of execution. One study (two papers^{39,40}) of the extension of opening hours in England and Wales in 1988 did not allow the calculation of effects for several outcomes, but it reported small and inconsistent results on multiple alcohol-related outcomes. One⁴¹ provides graphics and report using interrupted time series but does not report numeric results.

In 1993, Perth, Australia allowed on-premises outlets to extend their closing time from 12:00MN to 1:00AM.^{32–35} Findings were inconsistent, with a reported increase of alcohol wholesale but a decline in drunk driving and an increase in assaults and in alcohol-related crashes. None of these findings was significant.

In December 1979, the state of New South Wales in Australia expanded on-premises alcohol outlet closing hours from 10:00PM to 11:00PM, at the same time expanding Sunday hours and outlet settings. A study of these events³⁶ proposed using the weekdays as the control in an assessment of the effects of increased Sunday sales on

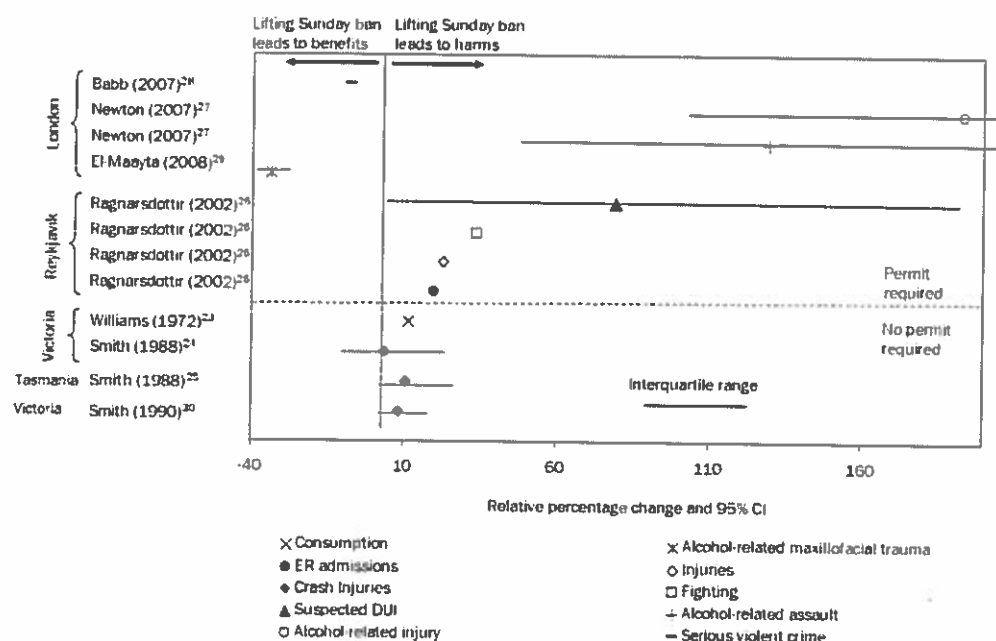


Figure 2. Relative percentage change in diverse outcomes associated with increases of ≥ 2 hours
DUI, driving under the influence

motor vehicle fatalities. However, this comparison is biased toward a null effect, given the change in weekday hours. A comparison of weekday fatalities before and after the weekday expansion indicates a reduction of 2.7% in motor vehicle fatalities over the study period associated with the weekday increase of 1 hour in closing time. However, this outcome may be confounded by a reduction from 0.08% to 0.05% in maximum legal blood alcohol levels in December 1980, which would have been expected to deter drunk driving and reduce motor vehicle injuries.

In 1976, Scotland allowed on-premises outlets to extend their closing time from 10:00PM to 11:00PM.^{37,38} Reported changes were small and not consistent in direction. Knight found increased consumption for women and decreased consumption for men, and Bruce reported a small increase in the per capita consumption of beer.

In 1988, England and Wales extended the closing hours at on-premises outlets from 10:30PM to 11:00PM and moved the opening time from 11:00AM to 10:00AM.^{39,40} The outcomes, including mortality from liver disease and cirrhosis, pancreatitis, alcohol poisoning, "alcohol-dependent syndrome," alcohol psychosis, workplace absenteeism and injury, and various motor vehicle-related outcomes assessed in these studies were heterogeneous and included the seemingly contradictory findings that in comparison with changes in the control setting (Scotland), convictions for sales to underage patrons increased by 64.1% (95% CI=21.2%, 99.0%), whereas sales to minors fell substantially. Another finding was

an increase in recorded violent crime of 15.5% (95% CI=14.0%, 17.0%). (See Table 1.)

Finally, in 1996, Ontario Province extended closing hours in on-premises alcohol outlets from 1:00AM to 2:00AM. A study⁴¹ of this event used graphics and interrupted time series to assess the effects of this change on all and alcohol-related fatal motor vehicle crashes. Changes in Ontario were compared with changes in Michigan and New York, neither of which changed hours

of sale during the same period. The study also assessed changes in the sales of beer, wine, and spirits in Ontario from the period before to the period following the policy change. Numeric results are not reported. Beer consumption declined over the study period, whereas the consumption of wine and spirits declined in the early 1990s and then increased in the later 1990s. The authors conclude that changes in motor vehicle outcomes are "minimal." Their graphics suggest a shift of the timing of alcohol-related fatalities to later hours following the extension of hours of sale.

This small body of evidence indicates no consistent effects of changes of < 2 hours on alcohol-related outcomes. Four events of increases in hours of sale were studied. Only one study of increased hours of sale in Perth, Australia, reported substantial increases in wholesale alcohol purchases, assaults, and motor vehicle crashes. Two studies (of events in England and Wales and in Ontario, Canada) did not provide numeric results but reported small and inconsistent changes in alcohol-related outcomes including alcohol consumption, multiple alcohol-related causes of mortality, and motor vehicle crashes. Two studies of increased hours of sale in Scotland also reported small and inconsistent changes in alcohol sales and consumption.

Again, information on the requirement that premises seek permits prior to expanding hours may not have been complete in the studies reviewed. To the extent that stated permit requirements accurately reflect the expansion

process, there appears to be no systematic effect of permitting (Figure 3).

Applicability

The studies in this review were conducted in a variety of settings outside the U.S. and during a wide range of time periods. Nonetheless, the association between restrictions on the hours when alcohol may be sold and alcohol-related harms was consistent across most geographic locations (all in high-income countries) and time periods, and the findings of this review are likely to be relevant for considering the potential impact of modifying the number of hours when alcohol may be sold in the U.S.

Other Harms and Benefits

Maintaining hours of sale may sustain quality of life in communities by controlling alcohol availability, excessive alcohol consumption, and health and social harms resulting from excessive alcohol use (e.g., public drunkenness); evidence of effects on quality of life were not provided by the studies reviewed. Although it is possible that crimes such as illicit alcohol sales may increase in localities where the hours of sale are limited, no evidence of such effects was found in any of the studies evaluated. One study²⁶ noted increased workload among law enforcement personnel associated with expanded hours of sale.

Barriers

The maintenance and reduction in the number of hours when alcohol may be sold may affect overall alcohol sales and may thus be opposed by commercial interests involved in manufacture, distribution, and sale of alcoholic beverages. The alcohol industry has generally supported policies that remove restrictions on the access to alcohol.⁴²

State pre-emption laws (i.e., state laws that prevent the implementation and enforcement of local policies more restrictive than statewide regulations) can also under-

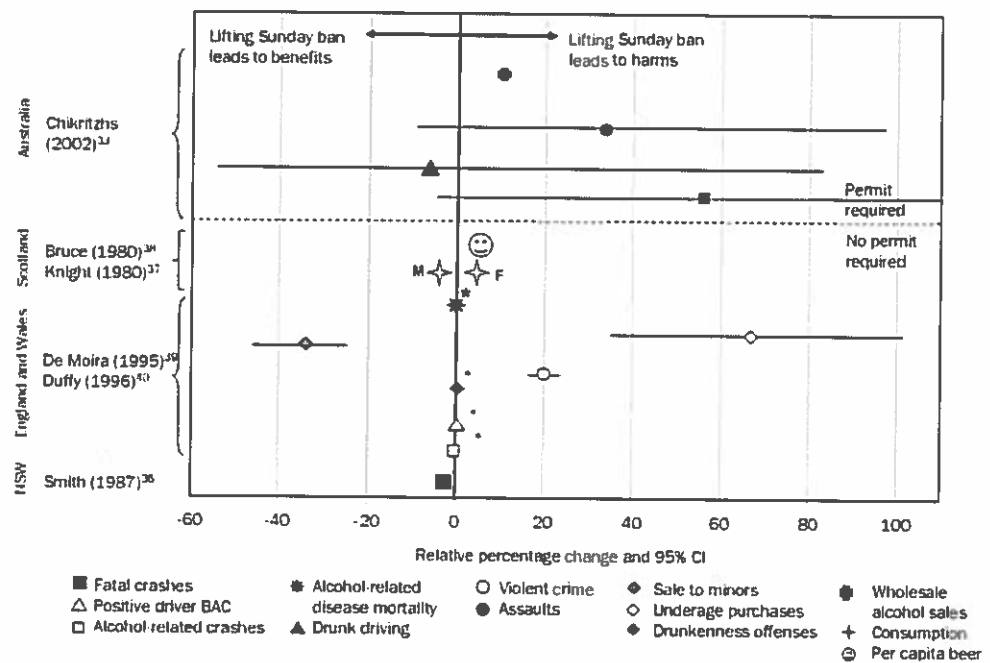


Figure 3. Relative percentage change in diverse outcomes associated with increases of <2 hours
NSW, New South Wales

mine efforts by local governments to regulate hours of sale.⁶ Indeed, the elimination of pre-emption laws related to the sale of tobacco products is one of the health promotion objectives in *Healthy People 2010*.⁵ However, there is no similar objective in *Healthy People 2010* related to the local sale of alcoholic beverages.

Economics

No studies were identified that assessed the economic impact of reducing the number of hours when alcohol may be sold. No study was found that specifically estimated the magnitude of commercial losses in sales and tax revenues because of a policy of restricting hours of alcohol sales.

Summary

This review found that increasing the hours when alcohol may be sold by ≥ 2 hours increased alcohol-related harms. Evidence supporting this conclusion was based on studies conducted in on-premises settings outside the U.S. According to *Community Guide* rules of evidence, these findings provided sufficient evidence for the effectiveness of maintaining limits on hours of sale for the reduction of alcohol-related harms when efforts are made to increase hours by ≥ 2 .¹⁰ Because no qualifying study assessed the effects of reducing hours of sale, the only direct inference that can be made is that reducing hours of sale by ≥ 2 is likely to avert alcohol-related harms. How-

ever, it may also be reasonable to expect that reducing hours of sale would also reduce alcohol-related harms.

Because there was no consistent effect on excessive alcohol consumption or related harms of increasing hours of sales by <2 hours, according to *Community Guide* rules of evidence, there was insufficient evidence that this intervention had a meaningful effect.¹⁰ Insufficient evidence means that it is not possible to determine from the available evidence whether this policy change had a meaningful effect.

Research Gaps

All existing research on hours of sale to date has been conducted in nations other than the U.S. It would be useful to have studies of changes in hours of sale in U.S. settings to confirm results from other settings. In addition, all research thus far has assessed the effects of *increasing* hours of sale. Although it may be a less-frequent event, evaluating the effects of *reducing* hours of sale for preventing excessive alcohol consumption and related harms would be useful. Evidence on changes in hours of sale of <2 hours is currently insufficient because of inconsistent findings. Thus, when such changes occur, it may be worthwhile to assess the effects of smaller changes in hours of sale on excessive alcohol consumption and related harms to improve our understanding of the “dose-response” and “threshold” relationships between changes in hours of sale and public health outcomes.

Additional research is also needed to more fully assess the costs and benefits of restricting the number of hours when alcohol is sold. From a societal perspective, economic elements should include intervention costs; loss in sales, tax revenues, and employment; reductions in fatal and nonfatal injuries, crime, and violence; gains in safety and public order; and averted loss of household and workplace productivity.

Finally, no studies were found that assessed the effects of changes in hours of sale in off-premises settings. Although consumers at off-premises settings are less likely to be directly affected by the effects of excessive consumption at the place of purchase, it is nevertheless possible that changes in availability in these settings may also affect alcohol-related harms. This issue merits investigation.

Discussion

Based on a systematic review of qualifying studies, this review confirms the findings of previous reviews and adds details regarding a possible dose or threshold effect. Evidence of the effects of changes in hours of sale of <2 hours was insufficient to determine effectiveness because of inconsistency among findings in the body of evidence,

leaving unanswered the question of the effects of small increases in hours of sale. Data are not sufficient to allow systematic assessment of the relative percentage increase in hours (over a baseline) or the placement of the hours within the day.

All of the studies included in this review assessed the effects of increasing hours of sale at on-premises outlets, consistent with the international trend toward expanding the availability of alcoholic beverages. Further scientific evidence is needed to fully assess the symmetry between the effects of maintaining existing limits on the hours of sale compared with reducing hours of sale.

The only available evidence of the effects of reducing hours of sale was from a study in Brazil,⁴³ which did not qualify for inclusion in the review because Brazil is not a high-income nation, and, in general, studies of alcohol consumption from middle- and lower-income nations are thought not to be directly applicable to the contemporary U.S. context. In 1999, the city of Diadema had very high homicide rates; 65% of these were alcohol-related. Most of the homicides occurred between 11:00PM and 6:00AM. Diadema law allowed 24-hour opening of alcohol outlets. In July 2002, a new city law required bars to close at 11:00PM. From 2002 to 2005, homicide rates in the city declined by 44% (95% CI=27%, 61%), controlling for mortality trends. During this time period, there was also a 17% decline in assaults against women (the only additional outcome assessed); this finding, however, was not significant.

In addition to the lack of studies that assessed the effect of stricter limits on the hours when alcohol may be sold, the body of qualifying studies in this review had several other limitations. First, some studies did not directly assess the impact of relaxing restrictions on the hours of sales on excessive alcohol consumption and alcohol-related harms, but rather relied on proxy measures of these effect outcomes (e.g., criminal arrest rates). Second, nearly all of the studies relied on population-based data from public health surveillance systems that did not capture information on alcohol control policies. As a result, many of these studies were unable to control for some potential confounding factors. However, these studies generally assessed changes in the same geographic area before and after the implementation of changes in hours of sale over a fairly short time period. Other contextual factors that could also influence alcohol sales and consumption (e.g., changes in alcohol excise taxes) at the country, state, or community levels were likely to have remained fairly constant during the study periods, allowing for a valid assessment of the impact of changing hours of sale, independent of other factors, on alcohol-related harms.

The findings in this review support the potential value of allowing local communities to maintain restrictions on hours of sale. If further research supports the effectiveness of local restrictions on hours of sale, it would also argue for eliminating state pre-emption laws that prohibit local governments from enacting alcohol control policies more restrictive than those that exist statewide.

We acknowledge the support and contributions of Steven Wing of the Substance Abuse and Mental Health Services Administration (SAMHSA) in discussions of this and other reviews.

The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the CDC.

No financial disclosures were reported by the authors of this paper.

References

1. CDC. Alcohol-attributable deaths and years of potential life lost—U.S., 2001. *MMWR Morb Mortal Wkly Rep* 2004;53(37):866–70.
2. National Center for Health Statistics. Health, U.S., 2005 with chart-book on trends in the health of America. Hyattsville MD: NCHS, 2005. Report No.: 1232.
3. Miller JW, Naimi TS, Brewer RD, Jones SE. Binge drinking and associated health risk behaviors among high school students. *Pediatrics* 2007;119(1):76–85.
4. Harwood H. Updating estimates of the economic costs of alcohol abuse in the U.S.: estimates, update methods, and data. Report prepared by The Lewin Group for the National Institute on Alcohol Abuse and Alcoholism. Rockville MD: NIAAA, 2000. Report No.: 98-4327.
5. USDHHS. Healthy People 2010. www.healthypeople.gov/.
6. Mosher J. Alcohol issues policy briefing paper: the perils of preemption. Chicago: American Medical Association, 2001.
7. Gorovitz E, Mosher J, Pertschuk M. Preemption or prevention? Lessons from efforts to control firearms, alcohol, and tobacco. *J Public Health Policy* 1998;19(1):36–50.
8. Pub. L. No. 83-277, 67 Stat. 586 (1983).1983.
9. Wikipedia.org. Alcohol laws of the U.S. by state. en.wikipedia.org/wiki/Alcohol_laws_of_the_United_States_by_state.
10. Briss PA, Zaza S, Pappaioanou M, et al. Developing an evidence-based Guide to Community Preventive Services—methods. *Am J Prev Med* 2000;18(1S):35–43.
11. Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP, 1999.
12. Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, eds. *International handbook of alcohol dependence and problems*. Chichester, UK: Wiley, 2004:699–719.
13. Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob* 1988;627–84.
14. Popova S, Giesbrecht N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol* 2009;44:500–16.
15. Babor TF, Caetano R, Casswell S, et al. *Alcohol: no ordinary commodity—research and public policy*, 2nd edition. Oxford, UK: Oxford University Press, 2010.
16. WHO. Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm. Copenhagen, Denmark: WHO Regional Office for Europe, 2009. www.euro.who.int/_data/assets/pdf_file/0020/43319/E92823.pdf.
17. Strategic Task Force on Alcohol. Strategic Task Force on Alcohol—second report. Ireland: Health Promotion Unit, Department of Health and Children, 2004.
18. Lipsey MW, Wilson DB, Cohen MA, Derzon JH. Is there a causal relationship between alcohol use and violence? In: Galanter M, ed. *Recent developments in alcoholism: volume 13, alcohol and violence*. New York: Plenum Press, 1997:245–82.
19. World Bank. World development indicators 2006. devdata.worldbank.org/wdi2006/contents/cover.htm. 2006.
20. Gruenewald PJ, Millar AB, Treno AJ, Yang Z, Ponicki WR, Roepke P. The geography of availability and driving after drinking. *Addiction* 1996;91(7):967–83.
21. Cook PJ, Skog OJ. Alcool, alcoolisme, alcoolisation—comment. *Alcohol Health Res World* 1995;19(1):30–1.
22. Raymond A. Ten o'clock closing—the effect of the change in hotel bar closing time on road accidents in the metropolitan area of Victoria. *Aust Road Res* 1969;3(10):3–17.
23. Williams RA. Changes in trading hours: ten o'clock closing and consumption of alcohol in Victoria. *Econ Record* 1972;48:123–7.
24. Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev* 1988;7:163–6.
25. Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict* 1988;83:219–22.
26. Ragnarsdottir T, Kjartansdottir A, Davidsdottir S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, ed. *The effects of Nordic alcohol policies*. Helsinki, Finland: Nordic Council for Alcohol and Drug Research, 2002:145–54.
27. Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J* 2007;24:532–4.
28. Babb P. Violent crime, disorder and criminal damage since the introduction of the Licensing Act 2003. Home Office Online Report 16/07. 2007.
29. El-Maaytah M, Smith S, Jerjes W, et al. The effect of the new “24 hour alcohol licensing law” on the incidence of facial trauma in London. *Br J Oral Maxillofac Surg* 2008;46(6):460–3.
30. Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues* 1990;20(3):417–26.
31. Briscoe S, Donnelly N. Problematic licensed premises for assault in inner Sydney, Newcastle and Wollongong. *Aust N Z J Criminol* 2003;36(1):18–33.
32. Chikritzhs T, Stockwell T, Masters L. Evaluation of the public health and safety impact of extended trading permits for Perth hotels and nightclubs. Perth: National Drug Institute, 1997.
33. Chikritzhs T, Stockwell T. The impact of later trading hours for Australian public houses (hotels) on levels of violence. *J Stud Alcohol* 2002;63(5):591–9.
34. Chikritzhs T, Stockwell T. The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels. *Addiction* 2006;101(9):1254–64.
35. Chikritzhs T, Stockwell T. The impact of later trading hours for hotels (public houses) on breath alcohol levels of apprehended impaired drivers. *Addiction* 2007;102(10):1609–17.
36. Smith DI. Effect on traffic accidents of introducing Sunday hotel sales in New South Wales, Australia. *Contemp Drug Prob* 1987;14:279–94.
37. Knight I, Wilson P. *Scottish licensing laws*. London: Office of Population Censuses and Surveys, Social Survey Division, 1980.
38. Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull* 1980;38(3):133–7.
39. De Moira ACP, Duffy JC. Changes in licensing law in England and Wales and alcohol-related mortality. *Addiction Res* 1995;3(2):151–64.

40. Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res* 1996;4(3):245–71.
41. Vingilis E, McLeod AI, Secley J, Mann RE, Beirness D, Compton CP. Road safety impact of extended drinking hours in Ontario. *Accid Anal Prev* 2005;37(3):549–56.
42. Giesbrecht N. Roles of commercial interests in alcohol policies: recent developments in North America. *Addiction* 2000;95(4):S581–95.
43. Duailibi S, Ponicki W, Grube J, Pinsky I, Laranjeira R, Raw M. The effect of restricting opening hours on alcohol-related violence. *Am J Public Health* 2007;97(12):2276–80.

Did you know?

You can sign up for saved search and table of contents email alerts on the *AJPM* website.

Visit www.ajpm-online.net today!

Format Abstract

Alcohol Clin Exp Res. 2014 May;38(5):1425-31. doi: 10.1111/acer.12359. Epub 2014 Mar 3.

International alcohol control study: pricing data and hours of purchase predict heavier drinking.

Casswell S¹, Huckle T, Wall M, Yeh LC.

Author information

- 1 SHORE and Whariki Research Centre, School of Public Health, Massey University, Auckland, New Zealand.

Abstract

BACKGROUND: This study reports findings from the International Alcohol Control (IAC) study that assesses the impact of alcohol control policy on consumption and policy-related behaviors. Modeled on the International Tobacco Control study that uses longitudinal surveys with comparison between countries, the baseline survey was carried out in New Zealand. This study reports analysis of the purchasing behavior respondents report separately for on- and off-premise outlets, providing validation data for both alcohol consumption and reported prices.

METHODS: New Zealand is a high-income country with an adult per capita alcohol consumption (as of 2011) of 9.5 l. The survey was carried out among a nationally representative sample of drinkers. Interview data on place and time of purchase, amounts purchased, price paid, and consumption (beverage and location specific) was collected. Relationships between policy relevant variables and consumption were modeled taking into account demographic variables. Validation was provided by government data on alcohol available for consumption, aggregate expenditure and prices from the Consumer Price Index.

RESULTS: Drinkers paying low prices at on- or off-licensed premises had higher odds of consuming 6+ drinks on a typical occasion, as did drinkers purchasing alcohol at later times. Regarding frequency, drinkers purchasing at later times were more likely to be daily drinkers. Lower price in off licenses but not on licenses predicted daily drinking. The data collected accounted for approximately 96% of alcohol available for consumption and the prices accounted for 98% of aggregate expenditure.

CONCLUSIONS: Valid survey data were collected to give an accurate picture of alcohol consumption and prices paid by drinkers. Heavy drinkers were more likely to buy cheaper alcohol and purchase at later times; 2 policy issues under discussion in many settings. This analysis suggests the IAC study that has the potential to provide data to contribute to the debate on appropriate policy responses to reduce alcohol-related harm.

Copyright © 2014 by the Research Society on Alcoholism.

KEYWORDS: Alcohol Consumption; Alcohol-Pricing Policy; Trading Hours; Validation Survey Instruments

PMID: 24588859 DOI: [10.1111/acer.12359](https://doi.org/10.1111/acer.12359)

[Indexed for MEDLINE]



U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

How To Use Local Regulatory and Land Use Powers To Prevent Underage Drinking

What do local regulatory and land use powers have to do with preventing underage drinking?

Communities all over the country are concerned about underage drinking and the many serious problems that go along with alcohol consumption by young people. Whether and how much young people drink depends to a large extent on community norms and expectations about drinking. These norms and expectations emerge from and reflect the community *alcohol landscape* or *alcohol environment*, including such elements as messages regarding alcohol use in the media and elsewhere; the ease with which young people can obtain alcohol through commercial and noncommercial sources; and the role of alcohol in community events. This landscape can be shaped by local regulations and land use ordinances, which are forms of *alcohol policy*.

Often communities take their alcohol landscape as a given or as the sole province of state and federal lawmakers. But many communities now are challenging these assumptions, developing local alcohol policies that have had impressive results. Local governments in most states do not have to wait for state legislatures or Congress to act to reshape their alcohol environments. This fact sheet gives a menu of local alcohol policy options that can reduce youthful drinking in our communities.

What are local regulatory and land use powers?

Local governments have the responsibility and authority to protect the public's general health, safety, and welfare. They fulfill this responsibility in part through their land use powers—by determining what activities may occur on the land within their jurisdiction. Both commercial and noncommercial activities associated with alcohol fall within these broad powers. Unless preempted by state or federal law (see “Beware of Preemption,” below), local communities can rely on land use zoning to determine where alcohol may be sold or consumed and how it is distributed and marketed. Some states allow local

governments to license commercial alcohol establishments. Licensing amplifies local zoning powers as a means to shape the local alcohol environment.

Community zoning ordinances identify the type of development that is permitted within a geographical area. For example, an R-1 zone typically identifies an area where construction of single family residences are permitted as a matter of right – no special license or public hearing is required to build a single family home in an R-1 zone. In addition to such permitted uses, however, other uses might also be permitted, but only after they have been reviewed for potential negative impacts on the area and special conditions placed on the development to minimize these negative impacts. For instance, in an R-1 zone, communities will often permit development of child care centers, schools, parks, and senior housing projects, but only after conditions have been placed on these developments to respond to concerns about the traffic, noise, and other potential negative impacts such developments might pose to the quality of life people expect in a single family neighborhood.

Although the exact term and approval process may differ from state to state, these *Conditional Use Permits* (CUPs) are a central feature of zoning laws in most states. Zoning ordinances specify which land uses require a CUP, and specify the public notice and hearing process that will be conducted to identify potential negative impacts and to decide the specific conditions that will be required to mitigate these negative impacts.

Zoning ordinances can require that any given land use, including retail alcohol outlets, must obtain a conditional use permit in order to conduct business. CUPs serve as a useful adjunct to other types of regulations and allow for specific and public consideration of each business development proposing to sell alcohol. A very important aspect of the CUP requirement is that municipalities may revoke the CUP at some later date should the required conditions be violated. This opportunity to monitor the continuing operation of an alcohol outlet, and to take

corrective action if necessary, is an important feature supporting community zoning ordinances that require that all alcohol outlets be subject to a conditional use permit.

How do local regulatory and land use powers influence the alcohol environment over time?

Specific regulatory and land use provisions affect how alcohol is made available in the community. Sales practices change over time as marketers and retailers develop innovative strategies and tactics for attracting new customers and increasing sales among current users. Once the changes occur, they become part of the community's landscape and are very difficult to reverse. For example, in the early 1980s, oil companies aggressively entered the convenience store industry, converting gas stations from auto repair centers to mini-marts that rely heavily on alcohol sales. This new marketing concept raises public health concerns because it increases the availability of alcohol (particularly in residential areas and near schools, where children are likely to be present) and combines the sales of alcohol and gasoline (possibly sending an unhealthy message about drinking and driving). Yet today, these alcohol/gas outlets are an accepted part of many communities' alcohol environment. Some entrepreneurs are now introducing alcohol to fast food outlets, beauty salons, and laundromats, marketing plans that raise similar public health and safety concerns.

If communities do not use their regulatory and land use provisions, changes such as these in their alcohol environments will respond solely to economic considerations, without attention to potential public health and safety costs. If, for example, a local jurisdiction had enacted in 1980 a land use restriction that prohibited alcohol and gasoline sales at the same retail outlet, then this marketing scheme would not have taken hold in that locality. Communities should be alert to the health and safety concerns raised by alcohol sales practices and anticipate potential problems. They can then act early to prevent these problems through regulation.

What is the relationship of local regulatory and land use powers to state regulation?

The 21st Amendment to the U.S. Constitution, enacted at the repeal of Prohibition, gives the state the primary authority for regulating alcoholic beverages. States vary widely in the degree to which they have handed this authority to local jurisdictions. In a few cases, states have given local government the primary authority for regulating alcohol, providing only minimal statewide standards. At the opposite end of the spectrum, a few states exercise exclusive authority over alcohol commerce, taking

away (or *preempting*) related local regulatory and land use powers. The large majority of states fall between these extremes, establishing overlapping (or *concurrent*) local and state regulatory powers. States are most likely to allow at least some forms of local land use zoning powers, with local licensing authority a less common practice. Ideally, the state establishes minimum standards for regulating alcohol use and distribution and allows localities wide discretion in developing additional standards to meet their particular needs and circumstances. This is the case in many states.

Concerned citizens and groups who wish to make maximum use of local power should research state and local laws. Local officials and attorneys who specialize in these issues can be good resources for information.

Beware of Preemption

The state and federal preemption doctrine refers to the authority of higher levels of government to mandate the practices of lower levels of government. Preemption is the rule of law that if the state government enacts legislation on a subject matter it shall be controlling over local laws or ordinances and/or preclude the community from enacting laws on the same subject if the legislature has specifically declared it has "occupied the field." If the legislature has not clearly claimed preemption, a court may examine legislative history to determine the lawmakers' intent toward preemption. The fact that states can take away local powers raises a note of caution: A common strategy of commercial alcohol interests is to seek state preemption in order to eliminate local regulatory and land use policies they oppose. These preemption proposals are sometimes couched in public health terms, mandating relatively weak state controls but eliminating the possibility of more stringent local ordinances.

How do regulatory and land use policies respond to alcohol marketing practices?

A helpful typology for categorizing regulatory and land use policies is the four *P*'s of marketing—product, place, promotion and price. Marketers use these four elements to develop "total marketing" campaigns that target specific demographic groups. For example, specific *products* have been developed that appeal to young college students (e.g., 40-ounce beer containers and sweetened alcohol products). They are made available in *places* frequented by students and are offered at discount *prices* (recognizing that students have limited discretionary income). They are *promoted* using messages and images with youthful, college themes. Marketing campaigns targeting older, affluent, white males; inner-city African American youth; suburban "soccer moms," or any other demographic group will have a very different marketing mix. Unchecked, these marketing tactics can create unsafe alcohol environments

for youth. Many college communities, for example, have college bars and drinking events as the primary venue for entertainment and are saturated with promotions and low price offerings that encourage heavy drinking.

Communities can use these same marketing strategies to develop alcohol-safe environments for young people. Each of the four P's has a set of corresponding preventive responses. These responses should be coordinated with each other and applied in a comprehensive manner, targeting specific demographic groups. At stake is the shape of the alcohol environment and the level of risk to which a given population group is exposed. Here is a checklist of possible community policy options, using the four P's typology.

What specific *place* regulations can be used to reduce alcohol availability to young people?

1. Restrict the location/number of commercial alcohol outlets.

- Prohibit alcohol outlets within specified distances from schools, child care centers, youth centers, and other locations where children congregate.
- Prohibit alcohol outlets from locating within specific distances of other alcohol outlets.
- Restrict the total number of alcohol outlets based on a population ratio.

"Community alcohol outlet density and underage drinking"

PIRE researchers Joel Grube and Paul Gruenewald examined how community alcohol outlet density may be associated with drinking among youths. Their finding suggests higher initial levels of drinking and excessive drinking were observed among youths living in communities with higher alcohol outlet densities. Their conclusion was that alcohol outlet density may play a significant role in initiation of underage drinking during early teenage years, especially when youths have limited mobility.

Source: Grube, J. W.; Gruenewald, P. J.; and Chen, M. J. *Addiction*, volume. 105, pages 270-278 (2010)

The reduction of excessive alcohol consumption is thus a matter of major public health and economic interest. In a 2009 report found in the *American Journal of Preventive Medicine* a comprehensive analysis of alcohol licensing policy regulations from inside and outside the U.S. suggests the regulation of alcohol outlet density may be a useful public health tool for the reduction of excessive alcohol consumption and related harms. In 2010 the Washington State legislature created a framework by which the purpose of the rules concerning chronic public inebriation and alcohol impact areas is to establish a framework under which the Washington State Liquor Control Board (WSLCB), in partnership with local government and community organizations, may act to mitigate negative impacts on a community's welfare, health, peace or safety that result from the presence of chronic public inebriation.

Source: (Am J Prev Med 2009;37(6):556-569)
Published by Elsevier Inc. on behalf of American Journal of Preventive Medicine
<http://www.liq.wa.gov/licensing/alcohol-impact-areas>

2. Restrict the types of commercial alcohol outlets.

- Restrict/prohibit concurrent sales of alcohol and gasoline.
- Restrict alcohol sales at mini-marts.
- Prohibit alcohol sales in non-traditional outlets (e.g., laundromats, movie theaters, beauty salons).
- Clearly distinguish between bars/nightclubs and restaurants (e.g., by limiting restaurants' alcohol sales to a maximum of 40 percent of their receipts; restricting late hour operations; prohibiting separate bar areas), and permit bars only in "adult" zoned areas.
- In restaurants, require that all alcohol sales be made only in conjunction with food service and sales.

3. Require commercial alcohol outlets to use responsible serving/sales practices.

- Require good management policies and training to ensure that servers and clerks routinely and effectively check age identification.
- Require minimum age of 21 for all servers and clerks.
- Prohibit employee alcohol consumption while on duty.
- Prohibit minors' access to bars and nightclubs.
- Prohibit video games and other forms of entertainment popular with teenagers in alcohol establishments where minors can be present.
- Limit the amount of square footage and shelf space dedicated to alcohol sales in retail outlets.
- Restrict home delivery sales.
- Restrict hours of sale.
- Require adequate lighting to enable staff to discern easily the appearance and conduct of persons in the outlet and adjacent areas.
- Prohibit all public nuisance activities in and around alcohol outlets, including loitering, littering, harassment of passersby, graffiti, loud noise, violations of state ABC code provisions, and criminal conduct.
- Restrict/prohibit public telephones (to deter drug dealing).
- Require adequate security, including, if warranted, the employment of a security guard.
- Conduct routine, effective compliance checks.

Underage drinking parties are common across the United States and the U.S. Territories. Regardless of whether the alcohol is either provided or brought by the underage participants many communities are taking the danger posed by these parties and the adults who permit or fail to prevent them very seriously. As of January 1, 2012, 30 states have adopted either general or specific provision to address this issue commonly referred to a "social host."

Source: Alcohol Policy Information System
http://alcoholpolicy.niaaa.nih.gov/Prohibitions_Against_Hosting_Underage_Drinking_Parties.html

4. Restrict minors' access to noncommercial sources of alcohol.

- Restrict alcohol service at community events such as fairs and holiday celebrations.
- Create alcohol-safe community events.
- Restrict the availability of alcohol in public settings such as parks and recreation centers.
- Enact keg registration and teen party ordinances to reduce the availability of alcohol to young people in noncommercial settings.
- Enact teen party ordinances that hold adults accountable for hosting teen parties.

Iowa's Alcohol Law Enforcement/Retailer Training (I-ALERT) tool was designed to support retailers in reducing youth alcohol consumption and is used in all fourteen patrol districts. Iowa's online alcohol policy tool is a standalone site from which involved departments can link to their agencies' Web pages. Iowa's Alcoholic Beverages Division has written and modified specific sections of the Iowa code to include on the Web site, and the tool provides guidelines to establishing in-store policies for retailers. With the provided guidelines, users can create a policy to either post and/or review with their employees.

Source: Success Stories News from the Field, 2011
http://www.udetc.org/documents/success_stories/ia0411.pdf

What specific *promotion* regulations can be used to reduce minors' exposure to alcohol advertising/promotions?

- Prohibit outdoor advertising and billboards in areas where children are present (including residential zones and within 1,000 feet of schools, playgrounds and other child-oriented facilities).
- Restrict alcohol advertising to the interior of commercial alcohol outlets, and prohibit advertising inside the store that is visible from outside.
- Require signs prominently posted in commercial establishments regarding minimum age for alcohol purchase.
- Require signs prominently posted in public parks/ facilities stating that it is illegal to consume alcoholic beverages.
- Prohibit the use of cartoon characters and other child oriented images and slogans in alcohol advertising.
- Prohibit alcohol advertising by local retailers on television or radio programs with underage audiences exceeding 25 percent.
- Place limitations on the percentage of store window space devoted to advertising.
- Prohibit distribution or sale of any alcohol industry promotional materials to minors (e.g., as prizes at local fairs).
- Restrict alcohol industry sponsorship of any event sponsored or cosponsored by local government, any youth event (e.g., youth athletic events), or any event located on public property.

Study Associates Alcohol Advertising with Brand Preference among Underage Drinkers

NIAAA-supported researchers asked 2699 youth aged 16-20 about their alcohol use and alcohol brand preference as part of a long-term telephone survey of U.S. adolescents and media use. Their report shows that a majority of underage drinkers in the study identified a preference for a specific brand of alcoholic beverage, that the most-preferred brands included both distilled spirits and beer, and that brand preferences correlated with levels of brand-specific advertising expenditures. This correlation suggests that alcoholic beverage marketing efforts may be reaching and influencing underage audiences. The researchers also found that young drinkers who identified a preferred brand were also more likely to engage in binge drinking.

Author: Tanski SE, McClure AC, Jernigan DH, Sargent JD.

Date: July 04, 2011

Source: [Arch Pediatr Adolesc Med.](#) 2011 Jul;165(7):675-6. doi: 10.1001/archpediatrics.2011.113.

What specific *product* regulations can be used to reduce minors' exposure to alcohol marketing that encourages overconsumption or appeals especially to youth?

- Require that 12-ounce or smaller containers of beer be sold in six-packs only – no single can sales (which encourage street drinking).
- Restrict the size of single beer containers to no more than one quart.
- Require that wine be sold in containers of at least 750 milliliters in volume or in minimum four-pack cooler containers.
- Permit corked wine containers only – prohibit screw-top wine bottles.
- Prohibit sales of distilled spirits in mini-bottles unless sold in multiples.
- Prohibit/restrict sales of fortified wine and malt liquors (at least in residential areas) or specify that these products may not be chilled for sale.
- Prohibit sales of “alcopops” and other alcoholic products with characteristics that clearly appeal to youth (e.g., sweet taste; cartoon characters on packaging).

What specific *price* regulations can be used to deter discounting and to increase the cost of alcohol to minors?

- Impose fees on all commercial alcohol outlets to cover local code and law enforcement costs.
- Impose/increase alcohol taxes (if local option available), and encourage increased taxes at state and federal levels.
- Prohibit discounted alcohol prices that are lower than standard prices in the community.
- Prohibit price promotions, such as flat fee “drink and drown” night.

In 2012 Wisconsin's Alcohol Policy Project produced a summary of various social host ordinances that exist within Wisconsin. The document distinguishes the various ordinances developed in different communities and provides the penalties for 5 Wisconsin communities highlighting the differences of ordinance language and penalties.

Two Rivers, Prairie du Chien and Manitowoc: A forfeiture of \$1,000-\$5,000 together with the costs of prosecution added

Village of Oregon:
\$100 to \$1,000 with municipal court policy requiring a court appearance.

Village of North Fond du Lac:
Not to exceed \$1,000, no minimum amount

Source: University of Wisconsin School of Law
<http://law.wisc.edu/wapp/comparisonsocialhost62612.pdf>

The Community Preventive Services Task Force (Task Force) is an independent, nonfederal, unpaid panel of public health and prevention experts that provides evidence-based findings and recommendations about community preventive services, programs, and policies to improve health. In 2010, the Task Force recommends increasing taxes on the sale of alcoholic beverages, on the basis of strong evidence of the effectiveness of this policy in reducing excessive alcohol consumption and related harms. Public health effects are expected to be proportional to the size of the tax increase. In formulating this recommendation, the Task Force considered several aspects of the effects of this policy intervention.

<http://www.thecommunityguide.org/alcohol/IncreasingAlcoholBeverageTaxesRecommendedReduceExcessiveAlcoholConsumptionRelatedHarms.pdf>

Best Practices for Implementation

- Alcohol is a legal but potentially hazardous product that requires special regulatory and planning attention. To the extent permitted by law in each state, local governments should retain oversight and promote public involvement to ensure a safe alcohol environment. This means that communities should maintain an *active* regulatory posture regarding land use controls for alcohol outlets. Permits should not be issued automatically based on an unvarying set of criteria. Each case should be considered individually based on its potential to be an asset to the community rather than a liability.
- State alcohol licensing agencies usually examine the character and business history of the applicant in making decisions about granting a license. In order to complement the state review, community planning and land use decisions about alcohol outlets should focus on the nature of the business activity and its community impacts. Business owners come and go, but an alcohol outlet once approved is often a permanent fixture in a community. Land use permits should include conditions that define business practices and the manner and mode of business operations consistent with community values and standards, independent of the qualifications of current or future business owners.

- No local planning process can predict the problems or conditions that may occur in the future. As a consequence, when there is a proposed change in ownership or in the manner and mode of operation of an alcohol outlet, local governments should require a new public hearing to review the conditions placed on the alcohol outlet. The sale of alcohol is a regulated public privilege, and land use ordinances provide important opportunities to bring and retain balance between public and private interests.

Conclusions

In most states, communities have the power to establish local regulations and land use policies. These policies can help create and maintain an environment with regard to alcohol that protects public health and safety and that, in particular, protects young people from underage drinking. Communities should explore the scope of the powers they have in their particular state and use policy to control the place, product, pricing, and promotion practices used to sell alcohol. These actions can be extremely effective in reducing underage alcohol use and the serious problems related to alcohol.



Where can I get more information?

Other publications from the Office of Juvenile Justice and Delinquency Prevention's Underage Drinking Laws Program (Available by contacting the Underage Drinking Enforcement Training Center at 11140 Rockville Pike, 6th floor Rockville, MD 20852. 1-800-335-1287):

The Los Angeles Lawyer: Local Regulation of Alcohol Licensees

This article from a California legal journal provides a comprehensive overview of the alcohol regulatory environment in California and explores the topic of preemption as it relates to state regulation and local ordinances on alcohol.

<http://www.lacba.org/Files/LAL/Vol29No8/2292.pdf>

Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices (1999).

This publication reviews 22 regulatory options for reducing youth access to alcohol, assessing available research on their effectiveness and presenting criteria for prioritizing their implementation.

Strategies To Reduce Underage Alcohol Use: Typology and Brief Overview

This document provides a summary of the various

strategies commonly used to reduce underage drinking and indicates the level of effect that might be expected from each strategy. The information is designed to assist states in setting priorities for activities to be funded with block grant money.

Guide to Conducting Alcohol Purchase Surveys

Guide to Conducting Youth Surveys

These two documents provide step-by-step information for data collection efforts that can be undertaken by states or localities to identify specific problem areas and to measure and monitor changes over time in alcohol use, sources of alcohol, and merchant compliance with the law.

The Cost of Underage Drinking

This document provides information on the various health and social problems related to underage drinking and can be used by state coordinators and others to generate support for enforcement of underage drinking laws.

Strategic Media Advocacy for Enforcement of Underage Drinking Laws

The vast majority of states identified media campaigns as a major component of their state action plans. In addition, media coverage is an essential component of enforcement. This guide provides state coordinators and others with practical information on using the media efficiently and effectively to bring about better enforcement of underage drinking laws.

Tips for Soliciting Cohesive Program Plans (Writing Effective RFPs for the Sub-granting Process)

This brief document provides state coordinators with a format for constructing requests for proposals that are likely to elicit cohesive and effective plans from local communities.

Preventing Sales of Alcohol to Minors: What You Should Know About Merchant Education Programs

This fact sheet defines merchant education and distills current research knowledge on the effectiveness of merchant education programs, the components they should include, and how these programs fit within a larger community effort.

Campbell, Carla Alexia, et al. "The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms." American journal of preventive medicine 37.6 (2009): 556-569.

Sparks, M., Jernigan, D. H., Mosher, J. F., *Community Anti-Drug Coalitions of America (CADCA), & United States of America. (2011). Regulating Alcohol Outlet Density: An Action Guide.*

Gruenewald, Paul J., and Lillian Remer. "Changes in outlet densities affect violence rates." *Alcoholism: Clinical and Experimental Research* 30.7 (2006): 1184-1193.

Britt, Heather R., et al. "Neighborhood level spatial analysis of the relationship between alcohol outlet density and criminal violence." *Environmental and Ecological Statistics* 12.4 (2005): 411-426.

Scribner, R., Mason, K., Theall, K., Simonsen, N., Schneider, S. K., Towvim, L. G., & DeJong, W. (2007). The contextual role of alcohol outlet density in college drinking. *Journal of Studies on Alcohol and Drugs*, 69(1), 112.

Publications on land use controls and their application to alcohol availability:

Wittman, F. and Shane, P. Manual for Community Planning to Prevent Problems of Alcohol Availability, Berkeley, CA: CLEW Associate, 1988.

Wittman, F. Development and Use of Conditional Use Permits to Prevent Problems Related to Retail Alcohol Outlets: An Overview. *University of California at Berkeley, Institute for the Study of Social Change, 1994.*

These two publications provide an excellent overview of community zoning principles and applications to alcohol land uses. Although they focus particularly on California law (which has state preemption statutes that are unique to that state), the presentations of land use concepts and strategies are applicable to communities in other states. Contact: Community Prevention Planning Program, Institute for the Study of Social Change, 837 Folger Ave., Berkeley, CA 94710, 510-540-4717.

Sparks, M. The Conditional Use Permit as a Prevention Tool. *The Alcohol and Other Drug Prevention Extension. Folsom, CA: The EMT Group, Inc. 1998.*

This is the workbook used for a one-day training with the same title developed by the EMT Group under the auspices of the California Department of Alcohol and Drug Programs. It also focuses on California law but is a useful tool for those from other states. For information on the training and manual availability contact: The EMT Group, Inc., 771 Oak Avenue Parkway, Suite 2, Folsom, CA 95630, 916-983-6680.

Publications reviewing specific land use/local regulatory options:

Pratt, L., Rothstein, C., Meath, J., and Toomey, T. Keeping Alcohol Away from Underage Youth: Policy Solutions. Minneapolis, MN: Alcohol Epidemiology Program, University of Minnesota, 1997.

La Fond, C., Klaudt, K., Toomey, T., and Gehan, J. Model Alcohol Ordinances. Minneapolis, MN: Alcohol Epidemiology Program, University of Minnesota, 1998.

These two publications provide background information on and sample ordinance language for 12 specific local policy options for reducing youth access to alcohol. Available on the Internet at <http://www.epi.umn.edu/alcohol/default.htm> or contact: Alcohol Epidemiology Program, School of Public Health, University of Minnesota, 1300 South Second Street, #300, Minneapolis, MN 55454-1015, 612-626-9070.

Resources on Environmental Prevention Strategies for Preventing Alcohol-Related Problems:

Center for Substance Abuse Prevention, Environmental Prevention Strategies: Putting Theory into Practice. *Training and Resource Guide. Rockville, MD: CSAP, 1999.*

This guide includes a 30-minute video, research review, and resource materials. It is an excellent tool for introducing environmental prevention concepts and strategies, including local land use/regulatory strategies, to community groups and policy makers. Materials may be ordered from NCADI via mail, fax, telephone, or email. Phone (toll free) 800-729-6686 to speak to an information specialist, or write to The National Clearinghouse for Alcohol and Drug Information, PO Box 2345, Rockville, MD 20847-2345. Fax 301-468-6433. E-mail: info@health.org

Marin Institute for the Prevention of Alcohol and Other Drug Problems, The Alcohol Policy Slide Set Series: Resources for Organizing and Advocacy. *Marin Institute: San Rafael, CA, 1997.*

This compilation of six sets of scripted slides (with topics including alcohol and violence, alcohol outlets and community economic development, alcohol availability regulatory options, and alcohol advertising) is an additional resource for introducing environmental strategies to community groups and policy makers. Contact: Marin Institute, 24 Belvedere Street, San Rafael, CA 94901, 415-456-5692.

*This guide was originally written by James F. Mosher, J.D.,
of the Marin Institute for the Prevention of Alcohol and Other
Drug Problems and Bob Reynolds of the Pacific Institute for
Research and Evaluation in January 2000
Revised August 2013*

Prepared by



Pacific Institute for Research and Evaluation

In support of the
**OJJDP Enforcing the
Underage Drinking Laws Program**

11720 Beltsville Drive, Suite 900
Calverton, MD 20705
Toll Free: 1-877-335-1287
www.udetc.org



**The Underage Drinking Enforcement
Training Center**
www.udetc.org



Kim McLynn
847-692-1781
Kim.mclynn@npd.com

The NPD Group, Inc.
900 West Shore Road
Port Washington, NY 11050

Peak Visit Times at Convenience Stores Vary Depending on Level of Consumer Usage; Super Users Visit Most During Morning and Evening Commutes, Reports NPD

-Opportunities exist to convert light/moderate users to heavy users

Houston, Texas, March 22, 2011 - Morning and evening commutes are a peak time for super heavy users of convenience stores to visit, while moderate and light users tend to visit more during the evening commute, according to convenience store (c-store) research by [The NPD Group](http://www.npd.com), a leading market research company.

NPD's [Convenience Store Monitor](http://www.npd.com), which tracks the consumer purchasing behavior of more than 51,000 convenience store shoppers in the U.S., identifies super heavy users as those who visit c-stores an average of 22.0 times a month, heavy users visiting 9.6 times a month, moderate shoppers visiting 5.0 times a month and light users with 1.9 times a month.

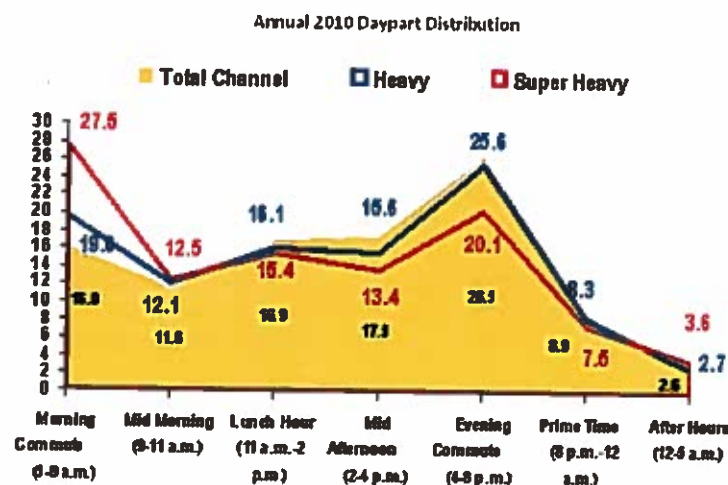
Super heavy and heavy shoppers typically have blue collar occupations and are 35-54 years old; Moderate shoppers are slightly more likely to be between 55 and 64 and slightly more likely to have incomes between \$45K and \$75K. Light c-store shoppers skew younger at 18-24, and older at 65 years-old or more and are more likely to be students or retired from the workforce.

According to NPD's [Convenience Store Monitor](http://www.npd.com), super heavy users have the highest incidence of visits during the morning and evening commutes (5 a.m. to 9 a.m. and 4 p.m. to 8 p.m., respectively). Super heavy users tend to purchase coffee, carbonated soft drinks, and newspapers or magazines in the morning and are more likely to purchase cigarettes or tobacco products, lottery tickets, and alcoholic beverages in the evening.

A quarter of heavy c-store consumers visit c-stores during the evening commute while one in five visit c-stores during the morning commute. These shoppers tend to buy sweet snacks in the morning and cigarettes and alcoholic beverages in the evening. Dairy products are popular during prime time with heavy c-store shoppers.

Evening commute is a popular day segment for moderate and light c-store shoppers. Light shoppers are more likely than average to purchase frozen/slushy drinks and water during the evening commute. Slightly more than half of both light and moderate c-store shoppers make product only purchases and are less likely to purchase products on sale than their super heavy and heavy shopper counterparts.

Daypart Distribution of Heavy and Super Heavy C-Store Shoppers



Source: The NPD Group/Convenience Store Monitor, year ending December 2010

"The amount of traffic and dollars attributed to higher frequency groups continues to distinguish their importance to the industry as a whole," says David Portalatin, convenience store analyst at NPD. "However, opportunities exist to convert light and moderate to more visits and food and snack purchases."

About The NPD Group, Inc.

The NPD Group is the leading provider of reliable and comprehensive consumer and retail information for a wide range of industries. Today, more than 1,800 manufacturers, retailers, and service companies rely on NPD to help them drive critical business decisions at the global, national, and local market levels. NPD helps our clients to identify new business opportunities and guide product development, marketing, sales, merchandising, and other functions. Information is available for the following industry sectors: [automotive](#), beauty, commercial technology, consumer technology, entertainment, fashion, food and beverage, foodservice, home, office supplies, software, sports, toys, and wireless. For more information, [contact us](#), visit <https://www.npd.com/wps/portal/npd/us/home/>, or join the Linked in [NPD Aftermarket Discussion Group](#).

The NPD Group - 900 West Shore Road - Port Washington, NY 11050 - www.npd.com